

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF AMENDING) ORDINANCE NO. 91-386C
METRO CODE CHAPTER 5.02,)
DISPOSAL CHARGES AND USER FEES) Introduced by Rena Cusma,
AT METRO FACILITIES) Executive Officer

THE COUNCIL OF THE METROPOLITAN SERVICE DISTRICT HEREBY ORDAINS:

Section 1 - Metro Code Section 5.02, is amended as follows:

CHAPTER 5.02

DISPOSAL CHARGES AND USER FEES

SECTIONS

5.02.010	Purpose
5.02.015	Definitions
5.02.020	Disposal Charges at St. Johns Landfill
5.02.025	Disposal Charges at Metro South Station, Metro Central Station, and Metro/Riedel Compost Facility
5.02.030	Waiver of Disposal Charges at St. Johns Landfill
5.02.045	User Fees
5.02.050	Regional Transfer Charge
5.02.060	Payment of Disposal Charges and Surcharges; Credit Policy
5.02.065	Special Waste Surcharge and Special Waste Permit Application Fees
5.02.070	Source Separated Yard Debris Disposal Charge
5.02.085	Out-of-District Waste

5.02.010 Purpose: The purpose of this chapter is to establish base solid waste disposal rates and charges for the St. Johns Landfill, Metro South Station, Metro Central Station, and the Metro/ Riedel Compost Facility; solid waste user fees, a regional transfer charge, an out-of-state surcharge and enhancement fees, and to establish a credit policy at Metro disposal facilities.

(Ordinance No. 82-146, Sec. 1; amended by Ordinance No. 88-257, Sec. 1, Ordinance No. 89-269, Sec. 2, Ordinance No. 90-337, Sec. 1)

5.02.015 Definitions: As used in this chapter, unless the context requires otherwise:

(a) "Acceptable Special Wastes" means those special wastes which are approved by the Metro Solid Waste Department in the form of a special waste permit. "Unacceptable Waste," as defined in this section, is expressly excluded.

(b) "Cash Account Customer" means those persons who pay cash for disposal of solid waste at Metro South Station, Metro Central Station, or the Metro/Riedel Compost Facility.

(c) "Credit Account Customer" means those persons who pay for disposal of solid waste through a charge account at Metro South Station, Metro Central Station, or the Metro/Riedel Compost Facility.

(d) "Disposal Fee" means those fees which pay the direct unit costs of transportation and disposal of general purpose solid waste to a landfill. Major cost components are: the long haul transport contract and the Oregon Waste System disposal contract.

(e) "Enhancement Fees" means those fees which are used to pay for rehabilitation and enhancement projects in the areas immediately surrounding Metro Disposal System facilities.

"Enhancement Fees" means those fees collected in addition to general disposal rates that are used to pay for rehabilitation and enhancement projects in the areas immediately surrounding landfills and other solid waste facilities.

(f) "Limited purpose solid waste" means construction, demolition, land clearing waste, and non-hazardous industrial dust.

(g) "Metro Disposal System" means Metro South Station, Metro Central Station, Metro/Riedel Compost Facility, St. Johns Landfill, Columbia Ridge Landfill and such other facilities, or contracts for service with Metro which transfer or cause solid

waste to be disposed at the Columbia Ridge Landfill or other disposal facility.

(h) "Metro Central Station" is that Metro solid waste transfer and recycling station located at 6161 N.W. 61st Avenue, Portland, Oregon, 97210.

(i) "Metro South Station" is that solid waste transfer station owned and operated by Metro and located at 2001 Washington, Oregon City, Oregon, 97045.

(j) "Metro Waste Management System" means all associated Metro solid waste services related to management of the whole recycling, processing and disposal system, including administrative, planning, financial, engineering and waste reduction activities.

(k) "Regional Transfer Charge" means those fees which pay the direct unit operating costs of the Metro transfer stations and compost facility. This fee is imposed upon all solid waste delivered to Metro Disposal System facilities.

(l) "Metro User Fee (Tier Two)" means those fees which pay for fixed costs of the Metro Disposal System. This fee is imposed upon all solid waste delivered to any Metro Disposal System facility which delivery will affect Metro's reserved space capacity at the Columbia Ridge Landfill. Fixed costs of the Oregon Waste Systems disposal contract, the long haul transport contract, debt service and capital items directly related to the facilities are paid through this fee.

(m) "Metro/Riedel Compost Facility" is that solid waste mass compost facility located at 5437 N.E. Columbia Boulevard, Portland, Oregon, 97232

(n) "Person" means any individual, partnership, association, corporation, trust, firm, estate, joint venture or any other private entity or any public agency.

(o) "Regional User Fee (Tier One)" means those fees which pay for fixed costs associated with administrative, financial and engineering services and waste reduction activities

of the Metro Waste Management System. Contingency fees on all costs and general transfers to solid waste funds and other departments for direct services are included in this fee. This fee is collected on all solid waste originating or disposed within the region.

(p) "St. Johns Landfill" is that landfill owned and operated by Metro and located at 9363 N. Columbia Boulevard, Portland, Oregon 97203, which is restricted to limited purpose solid waste disposal.

(q) "Solid Waste" means all putrescible and nonputrescible wastes, including garbage, rubbish, refuse, paper and cardboard; commercial, industrial, demolition and construction waste; home and industrial appliances.

(r) "Source Separated Yard Debris" means twigs, branches, grass clippings, leaves, and tree limbs in a form appropriate for mechanical processing for reuse or sale. Source separated yard debris does not include yard or construction debris that is not appropriate for mechanical processing for reuse or sale or that has unacceptable types or amounts of contaminants mixed with it. The operator or person in charge of accepting this waste shall make the final determination of what is source separated yard debris based on the capability of available machinery to process it. The Director of Solid Waste may establish guidelines for determining what is source separated yard debris within the meaning of this chapter.

(s) "Special Waste" means any waste (even though it may be part of a delivered load of waste) which is:

- 1) Containerized waste (e.g., a drum, barrel, portable tank, box, pail, etc.) of a type listed in 3 - 9 and 11 of this definition below; or
- 2) Waste transported in a bulk tanker; or
- 3) Liquid waste including outdated, off spec liquid food waste or liquids of any type when the quantity and the load would fail the paint filter liquid (Method 9095, SW-846)

test or is 25 gallons of free liquid per load, whichever is more restrictive.

4) Containers (or drums) which once held commercial products or chemicals are included unless the container is empty. A container is empty when:

a) All wastes have been removed that can be removed using the practices commonly employed to remove materials from the type of container, e.g., pouring, pumping, crushing, or aspirating; and

b) The ends have been removed (for containers in excess of 25 gallons); and

c) No more than one inch thick (2.54 centimeters) of residue remains on the bottom of the container or inner liner; or

d) No more than 1% by weight of the total capacity of the container remains in the container (for containers up to 110 gallons); or

e) No more than 0.3% by weight of the total capacity of the container remains in the container (for containers larger than 110 gallons).

Containers which once held acutely hazardous wastes must be triple rinsed with an appropriate solvent or cleaned by an equivalent method. Containers which once held substances regulated under the Federal Insecticide, Fungicide, and Rodenticide Act must be empty according to label instructions or triple rinsed with an appropriate solvent or cleaned by an equivalent method. Plastic containers larger than 5 gallons that held any regulated waste must be cut in half or punctured, dry and free of contamination to be accepted as refuse; or

5) Sludge waste from septic tanks, food service, grease traps, wastewater from commercial laundries, laundromats or car washes; or

6) Waste from an industrial process; or

7) Waste from a pollution control process; or

8) Residue or debris from the cleanup of a spill or release of chemical substances, commercial products or wastes listed in 1 - 7 or 9 of this definition; or

9) Soil, water, residue, debris or articles which are contaminated from the cleanup of a site or facility formerly used for the generation, storage, treatment, recycling, reclamation, or disposal of wastes listed in 1 - 8 of this definition; or

10) Chemical containing equipment removed from service (for example - filters, oil filters, cathode ray tubes, lab equipment, acetylene tanks, CFC tanks or any other chemical containing equipment); or

11) Waste in waste containers that are marked with a National Fire Protection Association identification label that has a hazard rating of 2, 3, or 4 but not empty containers so marked; or

12) Any waste that requires extraordinary management.

Examples of special wastes are: chemicals, liquids, sludge and dust from commercial and industrial operations; municipal waste water treatment plant grits, screenings and sludge; contaminated soils; tannery wastes, empty pesticide containers, and dead animals or by-products.

(t) "Unacceptable Waste" means any and all waste that is either:

1) waste which is prohibited from disposal at a sanitary landfill by state or federal law, regulation, rule, code, permit or permit condition; or

2) a hazardous waste; or

3) Special Waste without an approved special waste permit, or

4) Infectious Medical Waste.

(Ordinance No. 82-146, Sec. 2; amended by Ordinance No. 86-210, Sec. 1; Ordinance No. 88-257, Sec. 2; Ordinance No. 88-278,

Sec. 1; Ordinance No. 89-269, Sec. 2; Ordinance No. 89-295, Sec. 1; and Ordinance No. 90-337, Sec. 2; Ordinance No. 90-372, Sec. 1)

5.02.020 Disposal Charges at St. Johns Landfill:

(a) A base disposal fee of \$27.25 per ton of limited purpose solid waste delivered is established for disposal at the St. Johns Landfill. Said rate shall be in addition to other fees, charges and surcharges established pursuant to this chapter.

(b) The following table summarizes the disposal charges to be collected by the Metropolitan Service District from all persons disposing of solid waste at the St. Johns Landfill. The minimum charge for disposal shall be \$15.00.

(Ordinance No. 82-146; amended by Ordinance No. 83-163, Sec. 1; Ordinance No. 85-191, Sec. 2; Ordinance No. 86-214, Sec. 2; Ordinance No. 88-257, Sec. 3; Ordinance No. 88-278, Sec. 2; Ordinance No. 89-295, Sec. 2; and Ordinance No. 90-337, Sec. 3)

ST. JOHNS LANDFILL

Fee Component	\$/Ton	Tonnage Rate
<u>Credit Account</u>		
Disposal Fee		\$27.25
Regional User Fee (Tier One)	13.00	
Metro User Fee (Tier Two)	<u>8.50</u>	
Total Rate		*\$48.75

* Total Rate does not include state imposed fees which are currently \$.50 DEQ Promotion Program Fee and \$.25 DEQ Orphan Site Program Fee and enhancement fees, or taxes other than excise taxes. The actual fees collected after addition of all taxes and fees shall be rounded up to the closest \$.50.

5.02.025 Disposal Charges at Metro South Station, Metro Central Station and the Metro/Riedel Compost Facility.

(a) A base disposal rate of \$34.75 per ton of solid waste delivered is established for disposal at the Metro South Station, Metro Central Station and the Metro/Riedel Compost Facility.

(b) An enhancement fee of \$.50 per ton is established to be charged at the Metro South Station, Metro Central Station and the Metro/Riedel Compost Facility.

(c) Notwithstanding the provisions of Sections 5.02.025 (a) and (b), persons other than Credit Account Customers who have separated and included in their loads at least one half cubic yard of recyclable material (as defined in ORS 459.005) shall receive a \$3.00 credit toward their disposal charge if their load is transported inside a passenger car or in a pickup truck not greater than a 3/4 ton capacity.

(d) The disposal fee and enhancement fee established by this section shall be in addition to other fees, charges and surcharges established pursuant to this chapter.

(e) The following table summarizes the disposal charges to be collected by the Metropolitan Service District from all persons disposing of solid waste at the Metro South Station, Metro Central Station and the Metro/Riedel Compost Facility. The minimum charge for all vehicles shall be \$15.00.

(Ordinance No. 82-146; amended by Ordinance No. 83-163, Sec. 2; Ordinance No. 85-191, Sec. 3; Ordinance No. 86-214, Sec. 3; Ordinance No. 88-257, Sec. 4; Ordinance No. 88-278, Sec. 3; Ordinance No. 89-269, Sec. 2; Ordinance No. 89-295, Sec. 3.; and Ordinance No. 90-337, Sec. 4; Ordinance No. 90-372, Sec. 2)

METRO SOUTH STATION
 METRO CENTRAL STATION
 METRO/RIEDEL COMPOST FACILITY

Fee Component	\$/Ton	Tonnage Rate
Disposal Fee		\$34.75
Regional User Fee (Tier One)	13.00	
Metro Tier Fee (Tier Two)	8.50	
Regional Transfer Charge	<u>10.50</u>	
Total Rate	*	\$66.75
Minimum Charge per Vehicle	\$15.00	

<u>Tires</u>	<u>Type of Tire</u>	<u>Per Unit</u>
	Car tires off rim	\$.85
	Car tires on rim	2.30
	Truck tires off rim	2.30
	Truck tires on rim	7.00
	Any tire 21 inches or larger diameter off or on rim	12.00

* Total Rate does not include state imposed fees which are currently \$.50 DEQ Promotion Program Fee and \$.25 DEQ Orphan Site Program Fee and enhancement fees, or taxes other than excise taxes. The actual fees collected after addition of all taxes and fees shall be rounded up to the closest \$.50.

5.02.030 Waiver of Disposal Charges at St. Johns Landfill: A waiver of disposal charges may be made by the operator of the St. Johns Landfill for disposal of inert material including but not limited to earth, sand, stone, crushed concrete and broken asphaltic concrete and wood chips, if, at the discretion of the operator of the landfill, such material is needed at the landfill for cover, road base or other internal use.

(Ordinance No. 82-146, Sec. 5)

5.02.045 User Fees: The following user fees are established and shall be collected and paid to Metro by the operators of solid waste disposal facilities, whether within or without the boundaries of Metro, for the disposal of solid waste generated, originating, collected or disposed within Metro boundaries in accordance with Metro Code Section 5.01.150:

(a) Regional User Fee (Tier One)

(1) For noncompacted solid waste, \$13.00 per ton delivered.

(2) For compacted solid waste, \$13.00 per ton delivered.

(b) Metro User Fee (Tier Two): \$8.50 per ton for all solid waste delivered to Metro owned or operated facilities.

(c) Inert material, including but not limited to earth, sand, stone, crushed stone, crushed concrete, broken asphaltic concrete and wood chips used at a landfill for cover, diking, road base or other internal use and for which disposal charges have been waived pursuant to Section 5.02.030 of this chapter shall be exempt from the above user fees.

(d) User fees shall not apply to wastes received at franchised processing centers that accomplish materials recovery and recycling as a primary operation.

(e) Notwithstanding the provisions of (a) and (b) above, Metro User fees may be assessed as maybe appropriate for solid waste which is the subject of a Non-System License under Chapter 5.05 of the Metro Code.

(Ordinance No. 82-146, Sec. 8; amended Ordinance No. 85-191, Sec. 4; Ordinance No. 86-214, Sec. 4; Ordinance No. 88-257, Sec. 6; Ordinance No. 88-278, Sec. 4; Ordinance No. 89-269, Sec. 2; and Ordinance No. 90-337, Sec. 6; Ordinance No. 90-351, Sec. 1; Ordinance No. 90-372, Sec. 3)

5.02.050 Regional Transfer Charge:

(a) There is hereby established a regional transfer charge which shall be a charge to the users of Metro South Station, Metro Central Station and Metro/Riedel Compost Facility. Such charge shall be collected and paid in the form of an add-on in addition to user fees established by Section 5.02.045 of this chapter.

(b) The following regional transfer charges shall be collected and paid to Metro by the users of Metro South Station, Metro Central Station and the Metro/Riedel Compost Facility for the disposal of solid waste generated, originating, collected or disposed within Metro boundaries: For all solid waste \$10.50 per ton delivered.

(c) Regional transfer charges shall not apply to wastes received at franchised processing centers that accomplish materials recovery and recycling as a primary operation.

(Ordinance No. 82-146; amended by Ordinance No. 83-163, Sec. 3; Ordinance No. 85-191, Sec. 5; Ordinance No. 86-212, Sec. 1; Ordinance No. 86-214, Sec. 5; Ordinance No. 88-257, Sec. 8; Ordinance No. 88-278, Sec. 5; Ordinance No. 89-269, Sec. 2; and Ordinance No. 90-337, Sec. 7; Ordinance No. 90-372, Sec. 4)

5.02.060 Payment of Disposal Charges and Surcharges; Credit Policy:

(a) Disposal charges and out-of-state surcharges established pursuant to Sections 5.02.020, 5.02.025 and 5.02.055 of this chapter may be paid in cash, credit card, or guaranteed check at the time of disposal, or may be paid pursuant to the credit policy established in this section.

(b) For purposes of this section, the following definitions shall apply:

(1) Account charges are "due" on or before the last day of the month billed and are "past due" thereafter.

(2) Account charges are "30 days past due" on the first day of the month following billing.

(3) Account charges are "45 days past due" on the fifteenth day of the month following billing.

(4) Account charges are "60 days past due" on the first day of the second month following billing.

(c) Persons wishing to dispose of solid waste at Metro disposal facilities on a credit basis shall be required to first submit and have approved an application for credit on a form provided by Metro. That application shall include such provisions as the Metro Executive Officer deems necessary to secure prompt payment. Approval shall be consistent with prudent credit practices.

(d) A finance charge of one and one-half (1-1/2) percent per month (18 percent per annum), computed from the date an account becomes thirty (30) days past due, will be assessed on all accounts which become sixty (60) days past due and will be added to the oldest months charges past due. Finance charges will continue to be assessed on negotiated repayment schedules.

(e) Accounts 45 days past due may be placed on a "cash only" basis until the account is paid in full or brought to within 30 days past due. If an account is allowed to become 60 days past due, permission to dispose of waste at the facility may be denied until the account and finance charges are paid in full.

(f) If, pursuant to subsection (e) of this section, an account is placed on a "cash only" basis more than once during any consecutive 12-month period, or if service is denied because the account is allowed to become 60 days past due, the account may be required to submit a new application for credit. Such new application must be accompanied by a satisfactory payment guarantee bond, or other payment guarantee acceptable to the Executive Officer, which is:

- (1) Effective for one year; and
- (2) Collectable if the account again becomes 60 days overdue during the period of the bond; and
- (3) In an amount equal to 150 percent of the amount due when credit was last suspended or service was denied, whichever is greater.

(g) If a credit customer sells, terminates or makes substantial changes in the scope of their business after their application for credit was approved, they must notify Metro of this sale, termination or substantial change immediately. Credit may be discontinued until and unless an application containing the new information is approved.

(h) Adjustment of accounts receivable and reversing of finance charges will follow prudent credit practices; adjustments over \$500 will be reported to the Council in writing on a monthly basis, and adjustments over \$10,000 will require Council approval.

(i) The Executive Officer may end pursuit of accounts receivable, consistent with prudent credit practices, when the likelihood of collecting does not justify further collection costs. Such actions will be reported to the Council in writing on a monthly basis when the amount exceeds \$500, and amounts over \$10,000 will require Council approval.

(Ordinance No. 82-146, Sec. 11; and Ordinance No. 90-350)

5.02.065 Special Waste Surcharge and Special Waste Permit Application Fees:

(a) There is hereby established a Special Waste Surcharge and a Special Waste Permit Application Fee which shall be collected on all special wastes disposed at Metro facilities and on all Special Waste Permit Applications. Said Surcharge and fee shall be in addition to any other charge or fee established

by this chapter. The purpose of the surcharge and permit application fee is to require disposers of special waste to pay the cost of those services which are provided by the Metro Solid Waste Department to manage special wastes. The said surcharge and fee shall be applied to all acceptable special wastes as defined in Metro Code Section 5.02.015.

(b) The amount of the Special Waste Surcharge collected shall be \$4.00 per ton of special waste delivered.

(c) The minimum charge collected through all fees for each special waste disposal trip shall be \$15.00.

(d) The amount of the Special Waste Permit Application Fee shall be \$25.00. This fee shall be collected at the time Special Waste Permit Applications are received for processing.

(e) Lab or testing costs which are incurred by Metro for evaluation of a particular waste may be charged to the disposer of that waste.

(Ordinance No. 85-191, Sec. 6; amended by Ordinance No. 86-214, Sec. 6; Ordinance No. 88-257, Sec. 9; and Ordinance No. 90-337, Sec. 8)

5.02.070 Source Separated Yard Debris Disposal Charge:

(a) There is hereby established a reduced disposal fee for Source Separated Yard Debris that shall be collected on all source separated yard debris disposed at the Metro South Station or Metro Central Station. Said disposal charge is in lieu of other Base Disposal charges, User Fees, Regional Transfer Charges, Rehabilitation and Enhancement Fees, and Certification Non-Compliance Fees that may be required by Sections 5.02.020, 5.02.025, 5.02.041, 5.02.045, 5.02.046, 5.02.050 and 5.02.075 of this chapter. These other fees shall not be collected on waste which is accepted as Source Separated Yard Debris, under the

definition of 5.02.015(d). The purpose of the Source Separated Yard Debris Charge is to encourage greater source separation of yard debris so that material is diverted from land disposal at the Columbia Ridge Landfill and is made available for reuse.

(b) The amount of the Source Separated Yard Debris charge to be collected at the Metro South Station and Metro Central Station shall be \$49.00 per ton for Source Separated Yard Debris delivered by Credit and Cash Account Customers.

(c) The minimum charge for Credit and Cash Account Customers delivering Source Separated Yard Debris shall be \$10.00. The minimum charge for the delivery of a single Christmas tree as Source Separated Yard Debris shall be \$.50.

(Ordinance No. 86-210, Sec. 2; amended by Ordinance No. 86-211, Sec. 1; Ordinance No. 86-214, Sec. 7; Ordinance No. 88-257, Sec. 10; Ordinance No. 88-278, Sec. 6; Ordinance No. 89-295, Sec. 4.; and Ordinance No. 90-337, Sec. 9; Ordinance No. 90-372, Sec. 5)

5.02.085 Out-of-District Waste:

(a) Solid Waste generated outside of the District shall not be accepted at the St. Johns Landfill, Metro South Station, Metro Central Station or Metro-Riedel Compost Facility for disposal unless a special permit to do so is issued by the Metro Executive Officer. Any permit issued shall specify the circumstances justifying such exception. Any permit issued shall be subject to:

(1) Available landfill or facility capacity considering the capacity needs for disposal of Solid Waste generated within the District;

(2) No adverse impact upon District rate payers;

(3) Any Solid Waste authorized to be disposed under this ordinance shall be subject to the same standards and

conditions pertaining to "Acceptable Waste" deliveries to the above named facilities; and

(4) Any additional conditions as specified by the Executive Officer which may be necessary for the safe, efficient or cost effective operation of Metro facilities.

(b) Any special permit issued under Paragraph 1 shall expire in a period of time not to exceed 12 months from date of issuance unless a longer period of time is authorized by the Metro Council. Any renewals or extensions of a permit resulting in a cumulative permit period exceeding 12 months shall require the approval of the Metro Council.

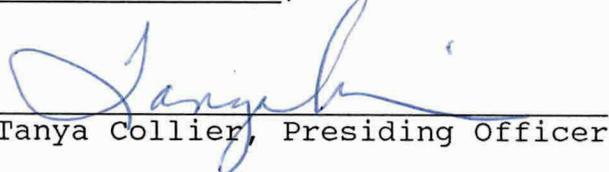
(c) Any special permit issued by the Executive Officer may be revoked upon thirty (30) days notice to the permit holder.

(d) Any permit for a monthly tonnage in excess of one thousand tons (1,000) per month must be referred to Council prior to the approval.

(Ordinance No. 90-352, Sec. 2)

The effective date of the ordinance amendments contained herein shall be July 1, 1991. This effective date is made in conformity with the requirements of ORS 268.515 (7) requiring user or service charges not to become effective until 65 working days after passage of the ordinance.

ADOPTED by the Council of the Metropolitan Service District this 28th day of March, 1991.


Tanya Collier, Presiding Officer

ATTEST:


Clerk of the Council

March 28, 1991
J:\ROOSEVELT\SW91386C.SS



METRO

2000 S.W. First Avenue
Portland, OR 97201-5398
503/221-1646

Memorandum

DATE: March 19, 1991

TO: Karla Forsythe, Council Analyst

FROM: Roosevelt Carter, Budget & Finance Manager

RE: Response to Solid Waste Committee Questions and Requests
from 3/5/91 Meeting

This memo responds to the questions raised by Solid Waste Committee members and other Councilors at the March 5th Committee meeting and to your subsequent "Information Request" of Bob Martin dated March 8, 1991.

1. We are researching the rate being charged other users of the Columbia Ridge Landfill and expect to report our findings by the April 2 Committee meeting.
2. The number of tons included in the previous staff report included all tons in the tri-county region. Just over 18,600 tons are collected from outside the Metro District boundary and are disposed at either the Forest Grove Transfer Station or the Hillsboro Landfill. The budget is based on waste originating within Metro boundaries only. This item maybe further clarified at the March 19 Committee meeting.
3. The Certification Non-Compliance Fee program was a waste reduction measure involving solid waste haulers that has never been implemented. This item will be expanded upon at the March 19 Committee meeting.
4. The Solid Waste Information System report does provide the means by which to determine whether recycling is succeeding or failing. This item will also be expanded upon at the March 19 Committee meeting.

Format of information

1. In order to meet the requirements of all users of the SWIS report, we propose including an additional two pages that summarize the data on a fiscal year basis. The detail of the summarized data would still be carried on a calendar year basis.
2. The Solid Waste Department converted from an intensive and exhaustive process of studying rates and rate effects on a regular basis with adoption of the current rates. Instead, the Department converted to a more simplistic model that ties

expenses directly to rate programs or rate categories. As expenses change on an annual basis, the resultant impact on rate programs is immediate and very clearly traceable. This method of rate setting is far easier, more accurate and more defensible.

Information Request of March 8, 1991

1. A detailed explanation and chart of the actual effect of delaying rate implementation until August 5. will be provided at the March 19 Committee meeting.
2. A detailed explanation of the increased rate requirement and how derived will be provided at the March 19 Committee meeting. Pertaining to options, it is either necessary that rates be implemented on July 1 of each year when expenses are incurred or the lost revenue must be made up through a compensating revenue source. Reduced expenses are not an option since the integrity of the rate model (the basis on which the rates are derived) would be destroyed.

ORDINANCE NO. 91-386C amended by the Council Finance Committee on
March 21, 1991, to substitute new language in Section
5.02.015(s), defining "Special Waste."

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FOR THE PURPOSE OF AMENDING) ORDINANCE NO. 91-386C
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5.02.025 Disposal Charges at Metro South Station, Metro
Central Station, and Metro/Riedel Compost Facility
5.02.030 Waiver of Disposal Charges at St. Johns Landfill
~~[5.02.035 Litter Control at St. Johns Landfill and the Metro
South Station]~~
~~[5.02.040 Excess Weight Charge at St. Johns Landfill]~~
5.02.045 User Fees
5.02.050 Regional Transfer Charge
5.02.060 Payment of Disposal Charges and Surcharges; Credit
Policy
5.02.065 Special Waste Surcharge and Special Waste Permit
Application Fees
5.02.070 Source Separated Yard Debris Disposal Charge
~~[5.02.075 Certification Non-Compliance Fee~~
~~5.02.080 Post-Collection Recycling Incentive]~~
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(f) "Limited purpose solid waste" means construction, demolition, land clearing waste, and non-hazardous industrial dust.

(g) "Metro Disposal System" means Metro South Station, Metro Central Station, Metro/Riedel Compost Facility, St. Johns Landfill, Columbia Ridge Landfill and such other facilities, or contracts for service with Metro which transfer or cause solid waste to be disposed at the Columbia Ridge Landfill or other disposal facility.

~~(d)~~(h) "Metro ~~[East]~~Central Station" is that Metro solid waste transfer and recycling station located at 6161 N.W. 61st Avenue, Portland, Oregon, 97210.

~~(e)~~(i) "Metro South Station" is that solid waste transfer station owned and operated by Metro and located at ~~[16101 S.E. 82nd Drive]~~2001 Washington, Oregon City, Oregon, 97045.

(j) "Metro Waste Management System" means all associated Metro solid waste services related to management of the whole recycling, processing and disposal system, including administrative, planning, financial, engineering and waste reduction activities.

(k) "Regional Transfer Charge" means those fees which pay the direct unit operating costs of the Metro transfer stations and compost facility. This fee is imposed upon all solid waste delivered to Metro Disposal System facilities.

~~(m)~~(l) ~~["Tier Two User Fee"]~~"Metro User Fee (Tier Two)" means those fees which pay for fixed costs of the Metro Disposal System. This fee is imposed upon all solid waste delivered to any Metro Disposal System facility which delivery will affect Metro's reserved space capacity at the Columbia Ridge Landfill. Fixed costs of the Oregon Waste Systems disposal contract, the long haul transport contract, debt service and capital items directly related to the facilities are paid through this fee.

~~[-(e)]~~ (m) ~~["Mixed Paper" means uncontaminated, recyclable paper exclusive of newspaper and cardboard.]~~ "Metro/Riedel Compost Facility" is that solid waste mass compost facility located at 5437 N.E. Columbia Boulevard, Portland, Oregon, 97232

~~[-(g)]~~ (n) "Person" means any individual, partnership, association, corporation, trust, firm, estate, joint venture or any other private entity or any public agency.

~~[-(l)]~~ (o) ~~["Tier One User Fee"]~~ "Regional User Fee (Tier One)" means those fees which pay for fixed costs associated with administrative, financial and engineering services and waste reduction activities of the Metro Waste Management System. Contingency fees on all costs and general transfers to solid waste funds and other departments for direct services are included in this fee. This fee is collected on all solid waste originating or disposed within the region.

~~[-(h)]~~ (p) "St. Johns Landfill" is that landfill owned ~~[by the City of Portland, Oregon,]~~ and operated by Metro and located at 9363 N. Columbia Boulevard, Portland, Oregon 97203, which is restricted to limited purpose solid waste disposal.

~~[-(i)]~~ (q) "Solid Waste" means all putrescible and nonputrescible wastes, including ~~[without limitation,]~~ garbage, rubbish, refuse, ~~[ashes,]~~ paper and cardboard; ~~[vehicles or parts thereof, sewage sludge, septic tank and cesspool pumpings or other sludge,]~~ commercial, industrial, demolition and construction waste; home and industrial appliances ~~[, and all other waste material permitted by ordinance to be disposed of at the St. Johns Landfill].~~

~~[-(j)]~~ (r) "Source Separated Yard Debris" means twigs, branches, grass clippings, leaves, and tree limbs in a form appropriate for mechanical processing for reuse or sale. Source separated yard debris does not include yard or construction debris that is not appropriate for mechanical processing for reuse or sale or that has unacceptable types or amounts of contaminants mixed with it. The operator or person in charge of

accepting this waste shall make the final determination of what is source separated yard debris based on the capability of available machinery to process it. The Director of Solid Waste may establish guidelines for determining what is source separated yard debris within the meaning of this chapter.

~~[(k)]~~(s) "Special Waste" means any waste (even though it may be part of a delivered load of waste) which is:

- ~~1) Solid waste which is any unusual component of municipal solid waste;~~
- ~~2) Solid waste which could potentially contain substantial quantities of waste defined as hazardous waste by the Oregon Department of Environmental Quality or the U.S. Environmental Protection Agency; or~~
- ~~3) Solid waste which requires extraordinary management.]~~

1) Containerized waste (e.g., a drum, barrel, portable tank, box, pail, etc.) of a type listed in 3 - 9 and 11 of this definition below; or

2) Waste transported in a bulk tanker; or

3) Liquid waste including outdated, off spec liquid food waste or liquids of any type when the quantity and the load would fail the paint filter liquid (Method 9095, SW-846) test or is 25 gallons of free liquid per load, whichever is more restrictive.

4) Containers (or drums) which once held commercial products or chemicals are included unless the container is empty. A container is empty when:

a) All wastes have been removed that can be removed using the practices commonly employed to

remove materials from the type of container, e.g., pouring, pumping, crushing, or aspirating; and

b) The ends have been removed (for containers in excess of 25 gallons); and

c) No more than one inch thick (2.54 centimeters) of residue remains on the bottom of the container or inner liner; or

d) No more than 1% by weight of the total capacity of the container remains in the container (for containers up to 110 gallons); or

e) No more than 0.3% by weight of the total capacity of the container remains in the container (for containers larger than 110 gallons).

Containers which once held acutely hazardous wastes must be triple rinsed with an appropriate solvent or cleaned by an equivalent method. Containers which once held substances regulated under the Federal Insecticide, Fungicide, and Rodenticide Act must be empty according to label instructions or triple rinsed with an appropriate solvent or cleaned by an equivalent method. Plastic containers larger than 5 gallons that held any regulated waste must be cut in half or punctured, dry and free of contamination to be accepted as refuse; or

5) Sludge waste from septic tanks, food service, grease traps, wastewater from commercial laundries, laundromats or car washes; or

6) Waste from an industrial process; or

7) Waste from a pollution control process; or

8) Residue or debris from the cleanup of a spill or release of chemical substances, commercial products or wastes listed in 1 - 7 or 9 of this definition; or

9) Soil, water, residue, debris or articles which are contaminated from the cleanup of a site or facility formerly used for the generation, storage, treatment, recycling, reclamation, or disposal of wastes listed in 1 - 8 of this definition; or

10) Chemical containing equipment removed from service (for example - filters, oil filters, cathode ray tubes, lab equipment, acetylene tanks, CFC tanks or any other chemical containing equipment); or

11) Waste in waste containers that are marked with a National Fire Protection Association identification label that has a hazard rating of 2, 3, or 4 but not empty containers so marked; or

12) Any waste that requires extraordinary management.

Examples of special wastes are: chemicals, liquids, sludge and dust from commercial and industrial operations; municipal waste water treatment plant grits, screenings and sludge; contaminated soils; tannery wastes, empty pesticide containers, and dead animals or by-products[~~and wastes containing asbestos~~].

(t) "Unacceptable Waste" means any and all waste that is either:

1) waste which is prohibited from disposal at a sanitary landfill by state or federal law,

regulation, rule, code, permit or permit condition;

or

2) a hazardous waste; or

3) Special Waste without an approved special waste permit, or

4) Infectious Medical Waste.

(Ordinance No. 82-146, Sec. 2; amended by Ordinance No. 86-210, Sec. 1; Ordinance No. 88-257, Sec. 2; Ordinance No. 88-278, Sec. 1; Ordinance No. 89-269, Sec. 2; Ordinance No. 89-295, Sec. 1; and Ordinance No. 90-337, Sec. 2; Ordinance No. 90-372, Sec. 1)

Section 3 - Metro Code Section 5.02.020, Disposal Charges at St. Johns Landfill, is amended as follows:

5.02.020 Disposal Charges at St. Johns Landfill:

(a) A [~~commercial~~]base disposal fee of [~~\$26.00~~]\$27.25 per ton of limited purpose solid waste delivered is established for disposal at the St. Johns Landfill. Said rate shall be in addition to other fees, charges and surcharges established pursuant to this chapter.

~~[(b) Notwithstanding the provisions of 5.02.020(a), the base disposal rate for Self-Haul trips of two and one-half cubic yards or less of garbage shall be \$3.50 per cubic yard if the disposer has separated and included in his/her load at least one-half cubic yard of recyclables (except Source Separated Yard Debris). This rate shall be in addition to other fees and charges established pursuant to this chapter.]~~

~~[(e)]~~(b) The following table summarizes the disposal charges to be collected by the Metropolitan Service District from all persons disposing of solid waste at the St. Johns Landfill.

The minimum charge for [~~commercial vehicles~~ disposal] shall be \$15.00.

(Ordinance No. 82-146; amended by Ordinance No. 83-163, Sec. 1; Ordinance No. 85-191, Sec. 2; Ordinance No. 86-214, Sec. 2; Ordinance No. 88-257, Sec. 3; Ordinance No. 88-278, Sec. 2; Ordinance No. 89-295, Sec. 2; and Ordinance No. 90-337, Sec. 3)

ST. JOHNS LANDFILL

<u>[Vehicle Category]</u>	<u>Fee Component</u>	<u>Tonnage Rate \$/Ton</u>
<u>[Commercial] Credit Account</u>		
	Disposal Fee	[\$26.00] \$27.25
	Regional [Tier One] User Fee (Tier One)	[7.00] 13.00
	Metro [Tier Two] User Fee (Tier Two)	[14.00] 8.50
	Total Rate	[\$47.00] *\$48.75

<u>[Vehicle Category]</u>	<u>Fee Component</u>	<u>Trip Rate</u>
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Residential Self-Haul

Flat Fee \$15.00

<u>Tires</u>	<u>Type of Tire</u>	<u>Per Unit</u>
	Car tires off rim	\$.85
	Car tires on rim	2.30
	Truck tires off rim	2.30
	Truck tires on rim	7.00
	Any tire 21 inches or larger diameter off or on rim	12.00]

* Total Rate does not include state imposed fees which are currently \$.50 DEQ Promotion Program Fee and \$.25 DEQ Orphan Site Program Fee and enhancement fees, or taxes other than

excise taxes. [~~established pursuant to Section 5.02.025 (b).~~]
The actual fees collected after addition of all taxes and fees
shall be rounded up to the closest \$.50.

Section 4 - Metro Code Section 5.02.025, Disposal Charges at Metro South Station, Metro East Station and the Metro/Riedel Compost Facility, is amended as follows:

5.02.025 Disposal Charges at Metro South Station, Metro
[~~East~~]Central Station and the Metro/Riedel Compost Facility.

(a) A base disposal rate of [~~\$.26.00~~]\$34.75 per ton of solid waste delivered is established for disposal at the Metro South Station, Metro [~~East~~]Central Station and the Metro/Riedel Compost Facility.

(b) An enhancement fee of \$.50 per ton is established to be charged at the Metro South Station, Metro [~~East~~]Central Station and the Metro/Riedel Compost Facility.

(c) Notwithstanding the provisions of Sections 5.02.025 (a) and (b), persons other than Credit Account Customers who have separated and included in their loads at least one half cubic yard of recyclable material (as defined in ORS 459.005) shall receive a \$3.00 credit toward their disposal charge if their load is transported inside a passenger car or in a pickup truck [~~of up to~~]not greater than a 3/4 ton capacity.

(d) The disposal fee and enhancement fee established by this section shall be in addition to other fees, charges and surcharges established pursuant to this chapter.

(e) The following table summarizes the disposal charges to be collected by the Metropolitan Service District from all persons disposing of solid waste at the Metro South Station, Metro [~~East~~]Central Station and the Metro/Riedel Compost Facility. The minimum charge for all vehicles shall be \$15.00.

(Ordinance No. 82-146; amended by Ordinance No. 83-163, Sec. 2; Ordinance No. 85-191, Sec. 3; Ordinance No. 86-214, Sec. 3; Ordinance No. 88-257, Sec. 4; Ordinance No. 88-278, Sec. 3; Ordinance No. 89-269, Sec. 2; Ordinance No. 89-295, Sec. 3.; and Ordinance No. 90-337, Sec. 4; Ordinance No. 90-372, Sec. 2)

METRO SOUTH STATION
 METRO ~~[EAST]~~CENTRAL STATION
 METRO/RIEDEL COMPOST FACILITY

[Vehicle Category]	Fee Component	Tonnage Rate \$/Ton
	Disposal Fee	[\$26.00] \$34.75
	Regional [Tier One] User Fee (Tier One)	[7.00] 13.00
	Metro Tier [Two-User] Fee (Tier Two)	[14.00] 8.50
	Regional Transfer Charge	[7.00] <u>10.50</u>
	Total Rate	[\$54.00] *\$66.75
Minimum Charge per Vehicle		\$15.00

<u>Tires</u>	<u>Type of Tire</u>	<u>Per Unit</u>
	Car tires off rim	\$.85
	Car tires on rim	2.30
	Truck tires off rim	2.30
	Truck tires on rim	7.00
	Any tire 21 inches or larger diameter off or on rim	12.00

* Total Rate does not include state imposed fees which are currently \$.50 DEQ Promotion Program Fee and \$.25 DEQ Orphan Site Program Fee and enhancement fees, or taxes other than excise taxes. [~~established pursuant to Section 5.02.025 (b).~~] The actual fees collected after addition of all taxes and fees shall be rounded up to the closest \$.50..

5.02.030 Waiver of Disposal Charges at St. Johns Landfill: A waiver of disposal charges may be made by the operator of the

St. Johns Landfill for disposal of inert material including but not limited to earth, sand, stone, crushed concrete and broken asphaltic concrete and wood chips, if, at the discretion of the operator of the landfill, such material is needed at the landfill for cover, road base or other internal use.

(Ordinance No. 82-146, Sec. 5)

Metro Code Section 5.02.035, is deleted.

~~[5.02.035 Litter Control: All vehicles entering Metro operated solid waste disposal facilities, transfer stations, recycling centers, or compost facilities with loads that are not covered with a secure tarp or solid tight fitting cover that prohibits material from being blown from the vehicle while in motion shall be charged double the total disposal charge which would otherwise be charged.]~~

(Ordinance No. 82-146, Sec. 6; amended by Ordinance No. 89-269, Sec. 2; and Ordinance No. 90-337, Sec. 5)

Section 5 - Metro Code Section 5.02.040, is deleted.

~~[5.02.040 Excess Weight Charge at St. Johns Landfill: All vehicles entering the St. Johns Landfill with gross weights in excess of the Incinerator Road Bridge weight limits established by the City of Portland shall be charged double the normal disposal rate per ton for the amount of weight in excess of the bridge weight limit. Said weight limit shall be posted at the scalehouse of the landfill.~~

~~(Ordinance No. 82-146, Sec. 7)]~~

Section 6 - Metro Code Section 5.02.045, User Fees, is amended as follows:

5.02.045 User Fees: The following user fees are established and shall be collected and paid to Metro by the operators of solid waste disposal facilities, whether within or without the boundaries of Metro, for the disposal of solid waste generated, originating, collected or disposed within Metro boundaries in accordance with Metro Code Section 5.01.150:

(a) ~~[Tier One]~~ Regional User Fee (Tier One)

(1) For noncompacted solid waste, ~~[\$7.00]~~ \$13.00 per ton delivered.

(2) For compacted solid waste, ~~[\$7.00]~~ \$13.00 per ton delivered.

(b) ~~[Tier Two]~~ Metro User Fee (Tier Two): ~~[\$14.00]~~ \$8.50 per ton for all solid waste delivered to Metro owned or operated facilities.

(c) Inert material, including but not limited to earth, sand, stone, ~~[b]~~ crushed stone, crushed concrete, broken asphaltic concrete and wood chips used at a landfill for cover, diking, road base or other internal use and for which disposal charges have been waived pursuant to Section 5.02.030 of this chapter shall be exempt from the above user fees.

(d) User fees shall not apply to wastes received at franchised processing centers that accomplish materials recovery and recycling as a primary operation.

(e) Notwithstanding the provisions of (a) and (b) above, Metro User fees may be assessed as maybe appropriate for solid waste which is the subject of a Non-System License under Chapter 5.05 of the Metro Code.

(Ordinance No. 82-146, Sec. 8; amended Ordinance No. 85-191, Sec. 4; Ordinance No. 86-214, Sec. 4; Ordinance No. 88-257, Sec. 6;

Ordinance No. 88-278, Sec. 4; Ordinance No. 89-269, Sec. 2; and Ordinance No. 90-337, Sec. 6; Ordinance No. 90-351, Sec. 1; Ordinance No. 90-372, Sec. 3)

Section 7 - Metro Code Section 5.02.050, Regional Transfer Charge, is amended as follows:

5.02.050 Regional Transfer Charge:

(a) There is hereby established a regional transfer charge which shall be a charge to the users of Metro South Station, Metro [East]Central Station and Metro/Riedel Compost Facility. Such charge shall be collected and paid in the form of an add-on in addition to user fees established by Section 5.02.045 of this chapter.

(b) The following regional transfer charges shall be collected and paid to Metro by the users of Metro South Station, Metro [East]Central Station and the Metro/Riedel Compost Facility for the disposal of solid waste generated, originating, collected or disposed within Metro boundaries: For all solid waste [~~\$7.00~~]\$10.50 per ton delivered.

(c) Regional transfer charges shall not apply to wastes received at franchised processing centers that accomplish materials recovery and recycling as a primary operation.

(Ordinance No. 82-146; amended by Ordinance No. 83-163, Sec. 3; Ordinance No. 85-191, Sec. 5; Ordinance No. 86-212, Sec. 1; Ordinance No. 86-214, Sec. 5; Ordinance No. 88-257, Sec. 8; Ordinance No. 88-278, Sec. 5; Ordinance No. 89-269, Sec. 2; and Ordinance No. 90-337, Sec. 7; Ordinance No. 90-372, Sec. 4)

Section 8 - Metro Code Section 5.02.060, Payment of Disposal Charges and Surcharges; Credit Policy, is amended as follows:

5.02.060 Payment of Disposal Charges and Surcharges; Credit Policy:

(a) Disposal charges and out-of-state surcharges established pursuant to Sections 5.02.020, 5.02.025 and 5.02.055 of this chapter may be paid in cash, credit card, or guaranteed check at the time of disposal, or may be paid pursuant to the credit policy established in this section.

(b) For purposes of this section, the following definitions shall apply:

(1) Account charges are "due" on or before the last day of the month billed and are "past due" thereafter.

(2) Account charges are "30 days past due" on the first day of the month following billing.

(3) Account charges are "45 days past due" on the fifteenth day of the month following billing.

(4) Account charges are "60 days past due" on the first day of the second month following billing.

(c) Persons wishing to dispose of solid waste at Metro disposal facilities on a credit basis shall be required to first submit and have approved an application for credit on a form provided by Metro. That application shall include such provisions as the Metro Executive Officer deems necessary to secure prompt payment. Approval shall be consistent with prudent credit practices.

(d) A finance charge of one and one-half (1-1/2) percent per month (18 percent per annum), computed from the date an account becomes thirty (30) days past due, will be assessed on all accounts which become sixty (60) days past due and will be

added to the oldest months charges past due. Finance charges will continue to be assessed on negotiated repayment schedules.

(e) Accounts 45 days past due may be placed on a "cash only" basis until the account is paid in full or brought to within 30 days past due. If an account is allowed to become 60 days past due, permission to dispose of waste at the facility may be denied until the account and finance charges are paid in full.

(f) If, pursuant to subsection (e) of this section, an account is placed on a "cash only" basis more than once during any consecutive 12-month period, or if service is denied because the account is allowed to become 60 days past due, the account may be required to submit a new application for credit. Such new application must be accompanied by a satisfactory payment guarantee bond, or other payment guarantee acceptable to the Executive Officer, which is:

- (1) Effective for one year; and
- (2) Collectable if the account again becomes 60 days overdue during the period of the bond; and
- (3) In an amount equal to 150 percent of the amount due when credit was last suspended or service was denied, whichever is greater.

(g) If a credit customer sells, terminates or makes substantial changes in the scope of their business after their application for credit was approved, they must notify Metro of this sale, termination or substantial change immediately. Credit may be discontinued until and unless an application containing the new information is approved.

(h) Adjustment of accounts receivable and reversing of finance charges will follow prudent credit practices; adjustments over \$500 will be reported to the Council in writing on a monthly basis, and adjustments over \$10,000 will require Council approval.

(i) The Executive Officer may end pursuit of accounts receivable, consistent with prudent credit practices, when the

likelihood of collecting does not justify further collection costs. Such actions will be reported to the Council in writing on a monthly basis when the amount exceeds \$500, and amounts over \$10,000 will require Council approval.

(Ordinance No. 82-146, Sec. 11; and Ordinance No. 90-350)

Section 9 - Metro Code Section 5.02.065, Special Waste Surcharge and Special Waste Permit Application Fee, is amended as follows:

5.02.065 Special Waste Surcharge and Special Waste Permit Application Fees:

(a) There ~~[are]~~ **is** hereby established a Special Waste Surcharge and a Special Waste Permit Application Fee which shall be collected on all special wastes disposed at ~~[the St. Johns Landfill]~~ **Metro facilities** and on all Special Waste Permit Applications. Said Surcharge and fee shall be in addition to any other charge or fee established by this chapter. The purpose of the surcharge and permit application fee is to require disposers of special waste ~~[, including asbestos,]~~ to pay the cost of those services which are provided ~~[at the St. Johns Landfill and]~~ by the Metro Solid Waste Department to manage special wastes. The said surcharge and fee shall be applied to all **acceptable** special wastes as defined in Metro Code Section 5.02.015.

(b) The amount of the Special Waste Surcharge collected ~~[at the St. Johns Landfill]~~ shall be \$4.00 per ton of special waste ~~[-(excluding asbestos)]~~ delivered. ~~[The amount collected at the St. Johns Landfill for asbestos shall be \$100.00 per ton delivered.]~~

(c) The minimum charge collected through all fees for each special waste ~~[-(excluding asbestos)]~~ disposal trip shall be

\$15.00. [~~The minimum charge for each asbestos trip shall be \$100.00.~~]

(d) The amount of the Special Waste Permit Application Fee shall be \$25.00. This fee shall be collected at the time Special Waste Permit Applications are received for processing.

(e) Lab or testing costs which are incurred by Metro for evaluation of a particular waste may be charged to the disposer of that waste.

~~[(f) The fees listed in this section shall not be collected from any person who obtains a special waste permit to dispose of waste containing asbestos or other special waste which is removed from a dwelling or apartment building of three or fewer units owned or rented by that person and not disposed of by a commercial hauler or asbestos remover. The purpose of this exemption is to encourage such persons to separate Special Waste from the residential waste stream so that it is disposed of properly.]~~

(Ordinance No. 85-191, Sec. 6; amended by Ordinance No. 86-214, Sec. 6; Ordinance No. 88-257, Sec. 9; and Ordinance No. 90-337, Sec. 8)

Section 10 - Metro Code Section 5.02.070, Source Separated Yard Debris Disposal Charge, is amended as follows:

5.02.070 Source Separated Yard Debris Disposal Charge:

(a) There is hereby established a reduced disposal fee for Source Separated Yard Debris [~~which~~] ~~that~~ shall be collected on all source separated yard debris disposed at the [~~St. Johns Landfill,~~] Metro South Station or Metro [~~East~~] ~~Central~~ Station. Said disposal charge is in lieu of other Base Disposal charges, User Fees, Regional Transfer Charges, Rehabilitation and Enhancement Fees, and Certification Non-Compliance Fees

[which]that may be required by Sections 5.02.020, 5.02.025, 5.02.041, 5.02.045, 5.02.046, 5.02.050 and 5.02.075 of this chapter. These other fees shall not be collected on waste which is accepted as Source Separated Yard Debris, under the definition of 5.02.015(d). The purpose of the Source Separated Yard Debris Charge is to encourage greater source separation of yard debris so that material is diverted from land disposal at [~~St. Johns Landfill or~~]the Columbia Ridge Landfill and is made available for reuse.

(b) The amount of the Source Separated Yard Debris charge to be collected at the [~~St. Johns Landfill,~~]Metro South Station and Metro [~~East~~]Central Station shall be [~~\$25.00~~]~~\$49.00~~ per ton for Source Separated Yard Debris delivered by Credit and Cash Account Customers[~~, and \$10.00 per trip for Source Separated Yard Debris delivered by persons other than Credit Account Customers~~].

(c) The minimum charge for Credit and Cash Account Customers delivering Source Separated Yard Debris shall be [~~\$25.00~~] \$10.00. The minimum charge for the delivery of a single Christmas tree as Source Separated Yard Debris shall be \$.50.

(Ordinance No. 86-210, Sec. 2; amended by Ordinance No. 86-211, Sec. 1; Ordinance No. 86-214, Sec. 7; Ordinance No. 88-257, Sec. 10; Ordinance No. 88-278, Sec. 6; Ordinance No. 89-295, Sec. 4.; and Ordinance No. 90-337, Sec. 9; Ordinance No. 90-372, Sec. 5)

Section 11 - Metro Code Section 5.02.070, Certification Non-Compliance Fee, is [~~amended as follows~~] ~~deleted~~:

~~[5.02.075 Certification Non-Compliance Fee:]~~

~~There is hereby established a Certification Non-Compliance Fee. The purpose of this fee is to pay for the cost of implementing remedial programs to bring non-certified areas or jurisdictions~~

~~in compliance with current certification standards, and to support other programs which are directed at accomplishing the recycling goals of the certification program. This fee shall be collected on all waste generated in non-certified areas and delivered to Metro facilities by specifically identified disposers and shall be in addition to other fees collected. The Certification Non-Compliance Fee shall be set by the Metropolitan Service District Council when the following conditions have been met:~~

~~{(a) The Metro Council has adopted a Waste Reduction Certification Program which provides criteria and a process for designating local areas or jurisdictions and/or waste disposers as either certified or non-certified for the purpose of collecting this fee; and~~

~~{(b) The Metro Council has made the determination that a local jurisdiction is not in compliance and that implementation of the fee is needed to achieve the purposes stated above.~~

~~{Ordinance No. 86-214, Sec. 8; Ordinance No. 90-372, Sec. 6}~~

Section 12 - Metro Code Section 5.02.080, Post-Collection Recycling Incentive, is deleted.

~~[5.02.080 Post-Collection Recycling Incentive: The Executive Officer shall enter into agreements with franchised processing centers that accomplish materials recovery and recycling as a primary operation, to pay two dollars per ton of Mixed Paper disposed in mixed loads of 50 percent to 79 percent Mixed Paper.~~

~~{Ordinance No. 88-257, Sec. 11}~~

Section 13 - Metro Code Section 5.02.070, Out-of-District Waste, is amended as follows:

5.02.085 Out-of-District Waste:

(a) Solid Waste generated outside of the District shall not be accepted at the St. Johns Landfill, Metro South Station, Metro [East]Central Station or Metro-Riedel Compost Facility for disposal unless a special permit to do so is issued by the Metro Executive Officer. Any permit issued shall specify the circumstances justifying such exception. Any permit issued shall be subject to:

- (1) Available landfill or facility capacity considering the capacity needs for disposal of Solid Waste generated within the District;
- (2) No adverse impact upon District rate payers;
- (3) Any Solid Waste authorized to be disposed under this ordinance shall be subject to the same standards and conditions pertaining to "Acceptable Waste" deliveries to the above named facilities; and
- (4) Any additional conditions as specified by the Executive Officer which may be necessary for the safe, efficient or cost effective operation of Metro facilities.

(b) Any special permit issued under Paragraph 1 shall expire in a period of time not to exceed 12 months from date of issuance unless a longer period of time is authorized by the Metro Council. Any renewals or extensions of a permit resulting in a cumulative permit period exceeding 12 months shall require the approval of the Metro Council.

(c) Any special permit issued by the Executive Officer may be revoked upon thirty (30) days notice to the permit holder.

(d) Any permit for a monthly tonnage in excess of one thousand tons (1,000) per month must be referred to Council prior to the approval.

(Ordinance No. 90-352, Sec. 2)

Section 14 - Effective Date

The effective date of the ordinance amendments contained herein shall be July 1, 1991. This effective date is made in conformity with the requirements of ORS 268.515 (7) requiring user or service charges not to become effective until 65 working days after passage of the ordinance.

ADOPTED by the Council of the Metropolitan Service District this _____ day of _____, 1991.

Tanya Collier, Presiding Officer

ATTEST:

Clerk of the Council

March 22, 1991
J:\ROOSEVELT\SW91386C

FINANCE COMMITTEE REPORT

CONSIDERATION OF ORDINANCE NO. 91-386C FOR THE PURPOSE OF
AMENDING METRO CODE CHAPTER 5.02, DISPOSAL CHARGES AND USER
FEES AT METRO FACILITIES

Date: March 25, 1991

Presented by: Councilor Wyers

Committee Recommendation: The Committee at its March 21, 1991 meeting voted unanimously to recommend Council adoption of Ordinance No. 91-386B as amended. Present and voting were Councilors Buchanan, Devlin, Hansen, Van Bergen and Wyers.

COMMITTEE DISCUSSION/ISSUES: Chair Van Bergen announced that Ordinance No. 91-386B was referred from the Solid Waste Committee with a recommendation for Council adoption. The Solid Waste Committee acted on the ordinance at its March 19, 1991 meeting by amending it to make changes in the definitions section, to include the excise tax in the rates, and to revise charges for certain DEQ fees.

Estle Harlan, representing Tri-County solid waste haulers, appeared at the public hearing to support adoption of the ordinance with an effective date of July 1, 1991. She indicated that it is very important to haulers to have a consistent date at which new rates are effective and that the effective date should be on or before July 1. She also indicated that the earlier the ordinance is adopted the better it was for the haulers since that gives them more time to arrange locate rate increases with franchise agencies. Ms. Harlan, in response to questions from the Chair, indicated she was not appearing to oppose the amount of the proposed rates (although the haulers are generally concerned about increasing the rates), but rather to express concern about the timing of the rate increase.

Council staff pointed out that the Solid Waste Department was proposing an additional amendment which changes the definition of special waste (Attachment 1 to this report). The Committee accepted the proposed amendment and recommended approval of Ordinance No. 91-386B as amended (currently engrossed as 91-386C).



METRO

2000 S.W. First Avenue
Portland, OR 97201-5398
503/221-1646

Memorandum

ATTACHMENT 1

(Fin. Comm./Ord. 91-386C)

TO: Council Finance Committee

FROM: Karla Forsythe, ^{KLF} Council Analyst

DATE: March 21, 1991

RE: Amendment to Ordinance No. 386B (requested by
Solid Waste Department)

The Solid Waste Department requests that the Finance Committee amend Ordinance No. 386B by deleting from the B draft Section 5.02.015(s), and by substituting new language (attached, with changes from B draft highlighted in yellow).

This section adopts a new definition of special waste. The Department is prepared to explain the reasons supporting the amendment.

The section appears on page 5.02 - 5 through 5.02 - 7 of the proposed ordinance.

1) Containerized waste (e.g., a drum, barrel, portable tank, box, pail, etc.) of a type listed in 3 - [8] 9 and 11 of this definition below; or

2) Waste transported in a bulk tanker; or

3) Liquid waste including outdated, off spec liquid food waste [in containers] or liquids of any type when the quantity and the load would fail the paint filter liquid (Method 9095, SW-846) test or is 25 gallons of free liquid per load, whichever is more restrictive.

4) Containers (or drums) which once held commercial products or chemicals are included unless the container is empty. A container is empty when:

a) All wastes have been removed that can be removed using the practices commonly employed to remove materials from the type of container, e.g., pouring, pumping, crushing, or aspirating; and

b) The ends have been removed (for containers in excess of 25 gallons); and

c) No more than one inch thick (2.54 centimeters) of residue remains on the bottom of the container or inner liner; or

d) No more than 1% [of free liquid] by weight of the total capacity of the container remains in the container (for containers up to 110 gallons); or

e) No more than 0.3% by weight of the total capacity of the container remains in the container (for containers larger than 110 gallons).

Containers which once held acutely hazardous wastes must be triple rinsed with an appropriate solvent or cleaned by an equivalent method. Containers which once held substances regulated under the Federal Insecticide, Fungicide, and Rodenticide Act must be empty according to

label instructions or triple rinsed with an appropriate solvent or cleaned by an equivalent method. Plastic containers larger than 5 gallons that held any regulated waste must be cut in half or punctured, dry and free of contamination to be accepted as refuse; or ~~[liquids of any type when the quantity in the load would fail a paint drip test or is 25 gallons of free liquid per 20 yd. box load, whichever is less;~~

5) Sludge waste from septic tanks, food service, grease traps, wastewater from commercial laundries, laundromats or car washes; or

6) Waste from an industrial process; or

7) Waste from a pollution control process; or

8) Residue or debris from the cleanup of a spill or release of chemical substances, commercial products or wastes listed in 1 - 7 or ~~[8]~~ 9 of this definition; or

9) Soil, water, residue, debris or articles which are contaminated from the cleanup of a site or facility formerly used for the generation, storage, treatment, recycling, reclamation, or disposal of wastes listed in 1 - ~~[7]~~ 8 of this definition; or

10) Chemical containing equipment removed from service (for example - filters, oil filters, cathode ray tubes, lab equipment, acetylene tanks, CFC tanks or any other chemical containing equipment); or

11) Waste in waste containers that are marked with a National Fire Protection Association identification label that has a hazard rating of 2, 3, or 4 but not empty containers so marked; or

12) Any waste that requires extraordinary management.

SOLID WASTE COMMITTEE REPORT AND ORDINANCE NO. 91-386B amended by the Council Solid Waste Committee on March 19, 1991, to add definitions from the second amended staff report, to add rates which include the proposed excise tax, and to correctly state the amount of the DEQ Orphan Site Program Fee.

SOLID WASTE COMMITTEE REPORT

CONSIDERATION OF ORDINANCE NO. 91-386, FOR THE PURPOSE
OF AMENDING METRO CODE CHAPTER 5.02, DISPOSAL CHARGES
AND USER FEES AT METRO FACILITIES

Date: March 21, 1991

Presented by: Councilor Judy Wyers

Committee Recommendation: At the March 19, 1991 meeting, the Committee voted unanimously to recommend Council adoption of Ordinance No. 91-386, as amended. Voting in favor were Councilors DeJardin, Gardner, McFarland, McLain and Wyers.

Committee Issues/Recommendation: The Committee first considered the Ordinance at its March 2, 1991 meeting. Bob Martin, Solid Waste Director, responded to a list of questions from Councilor Wyers. He discussed anticipated tonnage flow, costs which the proposed rate would cover, and how the rate is calculated. He said the proposed rate totals \$63/ton, with a separate rate established for the St. Johns Landfill.

In response to a question from Councilor Van Bergen, Mr. Martin clarified that Metro is the only Columbia Ridge Landfill user paying fixed costs of the landfill. He said staff is attempting to learn whether a lower variable cost has been offered to other users.

Councilor Van Bergen asked if data provided in the Solid Waste Information System (SWIS) report can be provided in a fiscal year as well as a calendar year format. Mr. Martin explained that most users of the report find a calendar year format compatible with their information needs.

Mr. Martin explained that the Tier One charge is proposed to increase and Tier Two decrease. The fixed costs of the composter will be allocated to all system users, since the composter will benefit the entire region by ensuring landfill capacity for 25 years. Also, capital expenses at Metro South are decreasing.

Mr. Martin agreed that rate terms used in the ordinance should be defined, and asked the Committee to include in the ordinance the definitions set out in the amended staff report.

Mr. Carter, Budget and Finance Manager, said the rate for limited purpose will \$45.75, and this rate should be inserted into the ordinance.

COMMITTEE REPORT
Ordinance No. 91-386
Page Two

Mr. Martin explained that the excise tax has not been included in the rate, since staff did not know the tax level, and it appeared to relate to a separate rate-setting process. He said that the disposal rate, the excise tax, and the DEQ and enhancement fees would result in a total charge of \$68. In response to a question from Councilor Wyers, he explained that excise tax was included in the rates last year, but not the DEQ or host fee.

Councilor McFarland inquired if the ordinance had been reviewed by the Rate Review Committee. Mr. Martin confirmed that the most recent meeting had been cancelled, but that the committee had reviewed the proposed rate. He explained that the committee is established by Code to deal with franchise rates, and that its members, who are financial experts, are appointed by the Council. He said the Rate Review Committee has asked questions about its role and purpose. Councilor Wyers indicated that the future of the Rate Review Committee would be reviewed in a different forum.

Councilor Wyers identified two issues: the role of the Rate Review Committee, and whether the excise tax should be included in the rate. She said that a citizen committee dealing with rates should be in the purview of the Council and not Department staff. She indicated she would ask the Finance Committee for guidance about the excise tax.

Councilor Wyers inquired whether it is appropriate to set rates before the budget is adopted. She called upon Steve Donovan, an economist with the Department of Environmental Services for the City of Portland. He expressed his view that the timing of rate setting in relation to the budget is a public policy decision, and said that in the City, cost of service rates are set after the budget is adopted and appropriation levels set.

Mr. Martin concurred that the timing of the rates and the budget is a policy issue. He explained that in the past, Metro has set rates on a different tonnage from the budget, and forecast revenue on a different tonnage than expenditures. He said he believes rates should be set first, and that it is not advisable to decide what to spend, then set the rate. He said that last year, the Council made a policy change to exempt recyclers from the user fee, which had a rate impact, but the Council did not increase the rate to fund the program. He emphasized the need for an analytical tool.

COMMITTEE REPORT
Ordinance No. 91-386
Page Three

He also said that delaying the effective date would result in a revenue decrease of \$700,000, which could be recouped by a \$1 rate increase for the remainder of the year. He noted that haulers are concerned about the lack of predictability of dates when rates will be set.

Councilor McFarland expressed her concern that rates are calculated based on projected expenses, and her belief that the rates would be more accurate if adopted after the budget because expenses will be known. She said the Rate Review Committee should be made functional and give guidance to the Council. She also expressed concern that amendments had not been presented to the Committee. She indicated her preference to wait to adopt the rates until approved figures are available.

Mr. Martin explained that rates could not be submitted to Council sooner, because the Department was formulating its budget. With regard to an amendment to permit credit payments, he said this was a housekeeping change, since the policy is already in place and is a convenience to self-haulers.

He said the yard debris rate is proposed to be \$49/ton, which covers Metro's cost, but encourages customers to take yard debris to private processors.

In response to a question about the certification noncompliance provision in the ordinance, Mr. Martin was not certain about the program to which it referred, and said he would provide further explanation.

With regard to a published rate study, Mr. Martin said that studies published in the past have been confusing, and that the Department is developing a rate model with a complete portrayal of cost components. He said the Department needs to develop a process of reporting verbally and providing a supplemental narrative to explain the model.

He said that recycling credits have been included in the Waste Reduction budget; a rate incentive for Reidel is still under discussion, and will be brought to the Council in the fall.

Councilor McLain identified three issues : the rationale for the rate, the public policy question regarding the timing of rate adoption, and the role of the Rate Review Committee.

Councilor Van Bergen expressed concerns about differences in tonnage data reflected in the SWIS report and in the rate. He asked to be provided with clear information about tonnage. Mr. Martin said some of the tonnage in the SWIS report is exempt from the rate.

Councilor Wyers asked to see the rate model by the next Solid Waste Committee meeting.

Mr. Martin explained that rates are increasing in part because all of the tonnage is going to the Columbia Ridge Landfill, and noted that 90% of the costs are non-discretionary. The new composter and full debt service payments also add to the increase.

Councilor Gardner said Metro is running a utility that pays for itself, and meets its costs through the rates. He thought the process would be more understandable if the budget and rates were adopted at the same time.

Councilor Wyers read into the record testimony from Estle Harlan, Tri-County Council, expressing haulers' concerns about disruption to the local rate setting process if the effective date of the rate is delayed.

The Committee postponed further consideration of the ordinance until its meeting on March 19, 1991. At that meeting, Mr. Martin said that a delay until August 5 would impact the haulers' rate setting process, would increase the rates by \$1.00, and would result in undercollecting of the excise tax if the excise tax rate was set at 5.6%. He asked the Committee to incorporate into the ordinance additional changes to the rate definitions. He said that the rate would increase to \$66.75 if the excise tax was included. Additional charges to be collected include .25/ton for orphan site cleanup, .50/ton DEQ fee, and .50/ton enhancement fee.

In response to an inquiry from Councilor McFarland, Mr. Martin explained that the orphan site charge funds cleanup of old waste disposal sites.

Estle Harlan testified that rates have been set at different times each year, and that it would be extremely burdensome to haulers if the rates took effect later than July 1.

Councilor McLain asked what the haulers have done to compensate for the lack of predictability in rate setting. Ms. Harlan said that sometimes haulers have had to absorb costs, but were able to catch up in 1989. She would prefer April 1 as an effective date.

Councilor Gardner said that adopting the rate in April would require budget preparation in September. He believes solid waste rates are driven by the budget.

COMMITTEE REPORT
Ordinance No. 386
Page Five

One member of the public testified that the yard debris rate does not offer a sufficient incentive. Another member expressed concerns about the amount of the increase.

Councilor McLain said that she favors the July 1 effective date, and that the reasons for rate increases should be discussed.

The Committee then voted to amend the ordinance to include the additional changes to the definitions proposed by Mr. Martin, to incorporate the excise tax into the rate, and to correct an error by changing the orphan site fee from .50/ton to the correct rate of .25/ton.

Councilor McFarland stated that although she would be voting in favor of the ordinance, she might vote differently in the future unless the budget and rates are more closely linked.

Councilor Gardner indicated his preference for Council to approve the budget before setting the rates. However, he thinks a commitment was been made last year to keep a July 1 effective date. He said there may be a level beyond which rates should not rise. Mr. Martin said that future rate increases most likely will be tied to Consumer Price Index increases in the major operating and transportation contracts, and could be handled in a multi-year process.

Councilor Wyers indicated that in view of the importance to haulers of having a July 1 effective date, consideration should be given to providing the budget to Council one month earlier. Her opinion is that the budget and rates should be adopted at the same time, and that the rates should include the excise tax. She pointed out that although the amended ordinance includes the rates based on a 5.6% excise tax, the tax could be lower. She also discussed her view that the Rate Review Committee should be more closely tied to the Council.



METRO

2000 S.W. First Avenue
Portland, OR 97201-5396
503/221-1646

Memorandum

TO: Bob Martin, Solid Waste Director

FROM: Karla Forsythe^{KLF}, Council Analyst

DATE: March 5, 1991

RE: Ordinance No. 91-386

Yesterday I met with Councilor Wyers regarding Ordinance No. 91-386. She had some preliminary questions which she thought could be addressed in staff's presentation, and asked me to provide them to you in writing prior to the meeting. Some questions are informational; others concern policy issues. If any of the questions are not clear, please let me know.

1. Committee members need to have a common base of knowledge about how the rates are calculated. The charts labeled "FY 1991-92 revenue programs" and "FY 1990-91 revenue programs" are helpful; copies should be available for each member. It would also be helpful if you could provide copies of the brief FY 91-92 Solid Waste Department draft budget overview (previously provided to Rate Review Committee members).

Please review briefly how the rate is calculated, tier by tier. For each tier, please explain:

- What is the premise for how costs are allocated to each tier? Who pays each tier, and who does not? At which facilities is each tier collected?
- What is included in "facility operations", for which Tier Two pays? Are the costs of operation for household hazardous collection facilities reflected here, or elsewhere? When will these facilities come on line?
- What are the fixed costs of transport/disposal?
- Please explain why overall rates have increased, and give us your views about the level and timing of rate increases in future years.

QUESTIONS FROM COUNCILOR WYERS

March 5, 1991

Page Two

2. It appears that the Tier One charge is increasing from \$7.00 to \$11.25. The Tier Two charge is decreasing from \$14.00 to \$7.75. What is the reason for these changes? What will be the impact on ratepayers?
3. How are the costs figured which go into Tier One? How did you calculate the amount which should be allocated to planning, waste reduction and administrative services? This appears to be a question of interest to Rate Review Committee members as well.
4. The terms "disposal fee", "enhancement fee" and "regional transfer charge" are not included in the definitions section of the ordinance. Is there a reason? Shouldn't they be defined?
5. What will be the base disposal fee for limited purpose solid waste (section 5.02.020)? Why hasn't this fee been included in the proposed ordinance?
6. The charts on pages 5.02-8 and 5.02 - 10 indicate that the total rate does not include excise taxes or other taxes. Is this a change from previous years? What is the rationale? How will these taxes be collected?
7. The tonnage rates were not set out in the version of the ordinance originally filed with Council, although they were provided at the Council meeting. What is the specific reason why this information could not have been provided earlier?
8. Section 5.02.060(a) is being amended to permit payment by credit card. To whom will this apply? What is the rationale for this change?
9. What will be the disposal charge for source separated yard debris? How has this charge been calculated?
10. Please describe current Department activities relating to the certification non-compliance fee set out in Section 5.02.075.
11. The Solid Waste Department published an official rate study for FY 88-89. Have similar studies been prepared for other fiscal years, and are studies underway for the current and upcoming years? If not, what steps can be taken to ensure that rate studies are prepared and published at appropriate times?

QUESTIONS FROM COUNCILOR WYERS

March 5, 1991

Page Three

12. It appears that calculation of the rates depends in part on forecasting the FY 91-91 budget. Why shouldn't the budget be approved before the rates are adopted? What would be the impact of delaying the effective date of this ordinance until August 5, 1991 so that the budget and the rates would be approved concurrently? These questions also appear to be of interest to Rate Review Committee members.

13. As you know, the Council has provided for recycling credits for nonprofit charitable rehabilitation organizations. Are these credits reflected in the proposed rates? If not, why not?

14. Is the Department working on a rate incentive for the composter? Please explain.

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF AMENDING) ORDINANCE NO. 91-386B
METRO CODE CHAPTER 5.02,)
DISPOSAL CHARGES AND USER FEES) Introduced by Rena Cusma,
AT METRO FACILITIES) Executive Officer

THE COUNCIL OF THE METROPOLITAN SERVICE DISTRICT HEREBY ORDAINS:

Section 1 - Metro Code Section 5.02, is amended as follows:

CHAPTER 5.02

DISPOSAL CHARGES AND USER FEES

SECTIONS

5.02.010	Purpose
5.02.015	Definitions
5.02.020	Disposal Charges at St. Johns Landfill
5.02.025	Disposal Charges at Metro South Station, Metro Central Station, and Metro/Riedel Compost Facility
5.02.030	Waiver of Disposal Charges at St. Johns Landfill
5.02.035	Litter Control at St. Johns Landfill and the Metro South Station]
5.02.040	Excess Weight Charge at St. Johns Landfill]
5.02.045	User Fees
5.02.050	Regional Transfer Charge
5.02.060	Payment of Disposal Charges and Surcharges; Credit Policy
5.02.065	Special Waste Surcharge and Special Waste Permit Application Fees
5.02.070	Source Separated Yard Debris Disposal Charge
5.02.075	Certification Non-Compliance Fee
5.02.080	Post-Collection Recycling Incentive]
5.02.085	Out-of-District Waste

5.02.010 Purpose: The purpose of this chapter is to establish base solid waste disposal rates and charges for the St. Johns Landfill, Metro South Station, Metro [East]Central Station, and the Metro/ Riedel Compost Facility; solid waste user fees, a regional transfer charge, an out-of-state surcharge and enhancement fees, and to establish a credit policy at Metro disposal facilities.

(Ordinance No. 82-146, Sec. 1; amended by Ordinance No. 88-257, Sec. 1, Ordinance No. 89-269, Sec. 2, Ordinance No. 90-337, Sec. 1)

Section 2 - Metro Code Section 5.02.015, Definitions, is amended as follows:

5.02.015 Definitions: As used in this chapter, unless the context requires otherwise:

(a) "Acceptable Special Wastes" means those special wastes which are approved by the Metro Solid Waste Department in the form of a special waste permit. "Unacceptable Waste," as defined in this section, is expressly excluded.

~~(a)~~ (b) "Cash Account Customer" means those persons who pay cash for disposal of solid waste at Metro South Station, Metro ~~[East]~~Central Station, or the Metro/Riedel Compost Facility.

~~(b)~~ (c) "Credit Account Customer" means those persons who pay for disposal of solid waste through a charge account at Metro South Station, Metro ~~[East]~~Central Station, or the Metro/Riedel Compost Facility.

(d) "Disposal Fee" means those fees which pay the direct unit costs of transportation and disposal of general purpose solid waste to a landfill. Major cost components are: the long haul transport contract and the Oregon Waste System disposal contract.

(e) "Enhancement Fees" means those fees which are used to pay for rehabilitation and enhancement projects in the areas immediately surrounding Metro Disposal System facilities.

"Enhancement Fees" means those fees collected in addition to general disposal rates that are used to pay for rehabilitation and enhancement projects in the areas immediately surrounding landfills and other solid waste facilities.

(f) "Limited purpose solid waste" means construction, demolition, land clearing waste, and non-hazardous industrial dust.

(g) "Metro Disposal System" means Metro South Station, Metro Central Station, Metro/Riedel Compost Facility, St. Johns Landfill, Columbia Ridge Landfill and such other facilities, or contracts for service with Metro which transfer or cause solid waste to be disposed at the Columbia Ridge Landfill or other disposal facility.

~~(d)~~ (h) "Metro ~~[East]~~Central Station" is that Metro solid waste transfer and recycling station located at 6161 N.W. 61st Avenue, Portland, Oregon, 97210.

~~[-(e)]~~ (i) "Metro South Station" is that solid waste transfer station owned and operated by Metro and located at ~~[16101 S.E. 82nd Drive]~~ 2001 Washington, Oregon City, Oregon, 97045.

(j) "Metro Waste Management System" means all associated Metro solid waste services related to management of the whole recycling, processing and disposal system, including administrative, planning, financial, engineering and waste reduction activities.

(k) "Regional Transfer Charge" means those fees which pay the direct unit operating costs of the Metro transfer stations and compost facility. This fee is imposed upon all solid waste delivered to Metro Disposal System facilities.

~~[-(m)]~~ (l) ~~["Tier Two User Fee"]~~ "Metro User Fee (Tier Two)" means those fees which pay for fixed costs of the Metro Disposal System. This fee is imposed upon all solid waste delivered to any Metro Disposal System facility which delivery will affect Metro's reserved space capacity at the Columbia Ridge Landfill. Fixed costs of the Oregon Waste Systems disposal contract, the long haul transport contract, debt service and capital items directly related to the facilities are paid through this fee.

~~[-e)]~~ (m) ~~["Mixed Paper" means uncontaminated, recyclable paper exclusive of newspaper and cardboard.]~~ "Metro/Riedel Compost Facility" is that solid waste mass compost facility located at 5437 N.E. Columbia Boulevard, Portland, Oregon, 97232

~~[-g)]~~ (n) "Person" means any individual, partnership, association, corporation, trust, firm, estate, joint venture or any other private entity or any public agency.

~~[-l)]~~ (o) ~~["Tier One User Fee"]~~ "Regional User Fee (Tier One)" means those fees which pay for fixed costs associated with administrative, financial and engineering services and waste reduction activities of the Metro Waste Management System. Contingency fees on all costs and general transfers to solid waste funds and other departments for direct services are included in this fee. This fee is collected on all solid waste originating or disposed within the region.

~~[-h)]~~ (p) "St. Johns Landfill" is that landfill owned ~~[by the City of Portland, Oregon,]~~ and operated by Metro and located at 9363 N. Columbia Boulevard, Portland, Oregon 97203, which is restricted to limited purpose solid waste disposal.

~~[-i)]~~ (q) "Solid Waste" means all putrescible and nonputrescible wastes, including ~~[without limitation,]~~ garbage, rubbish, refuse, ~~[ashes,]~~ paper and cardboard; ~~[vehicles or parts thereof, sewage sludge, septic tank and cesspool pumpings or other sludge,]~~ commercial, industrial, demolition and construction waste; home and industrial appliances ~~[, and all other waste material permitted by ordinance to be disposed of at the St. Johns Landfill].~~

~~[-j)]~~ (r) "Source Separated Yard Debris" means twigs, branches, grass clippings, leaves, and tree limbs in a form appropriate for mechanical processing for reuse or sale. Source separated yard debris does not include yard or construction debris that is not appropriate for mechanical processing for reuse or sale or that has unacceptable types or amounts of contaminants mixed with it. The operator or person in charge of

accepting this waste shall make the final determination of what is source separated yard debris based on the capability of available machinery to process it. The Director of Solid Waste may establish guidelines for determining what is source separated yard debris within the meaning of this chapter.

~~[-(k)]~~(s) "Special Waste" means any waste (even though it may be part of a delivered load of waste) which is:

- ~~1) Solid waste which is any unusual component of municipal solid waste;~~
- ~~2) Solid waste which could potentially contain substantial quantities of waste defined as hazardous waste by the Oregon Department of Environmental Quality or the U.S. Environmental Protection Agency;~~
~~or~~
- ~~3) Solid waste which requires extraordinary management.]~~

- 1) Containerized waste (e.g., a drum, barrel, portable tank, box, pail, etc.) of a type listed in 3 - 8 of this definition below; or
- 2) Waste transported in a bulk tanker; or
- 3) Liquid waste including outdated, off spec liquid food waste in containers. Containers (or drums) which once held commercial products or chemicals are included unless the container is empty. A container is empty when: All wastes have been removed that can be removed using the practices commonly employed to remove materials from the type of container, e.g., pouring, pumping, crushing, or aspirating, and the ends have been removed (for containers in excess of 25 gallons), and no more than one inch thick (2.54 centimeters) of residue remains on the bottom of the container or inner liner, and no more than 1% of free liquid by weight

of the total capacity of the container remains in the container. Containers which once held ACUTELY HAZARDOUS WASTES must be triple rinsed with an appropriate solvent or cleaned by an equivalent method. Containers which once held substances regulated under the Federal Insecticide, Fungicide, and Rodenticide Act must be empty according to label instructions or triple rinsed. Plastic containers that held any regulated waste must be cut in half, dry and free of contamination to be accepted as refuse, or liquids or any type when the quantity in the load would fail a paint drip test or is 25 gallons of free liquid per 20 yd. box load, whichever is less; or

4) Sludge waste from septic tanks, food service, grease traps, wastewater from commercial laundries, laundromats or car washes; or

5) Waste from an industrial process; or

6) Waste from a pollution control process; or

7) Residue or debris from the cleanup of a spill or release of chemical substances, commercial products or wastes listed in commercial products or wastes listed in 1, 7 or 8 of this definition; or

8) Soil, water, residue, debris or articles which are contaminated from the cleanup of a site or facility formerly used for the generation, storage, treatment, recycling, reclamation, or disposal of wastes listed in 1 - 7 of this definition (for example - filters, oil filters, cathode ray tubes, lab equipment, acetylene tanks, CFC tanks or any other chemical containing equipment); or

9) Waste and waste containers that are marked with a National Fire Protection Association

identification label that has a hazard rating of 2, 3, or 4; or

10) Any waste that requires extraordinary management.

Examples of special wastes are: chemicals, liquids, sludge and dust from commercial and industrial operations; municipal waste water treatment plant grits, screenings and sludge; contaminated soils; tannery wastes, empty pesticide containers, and dead animals or by-products [~~and wastes containing asbestos~~].

(t) "Unacceptable Waste" means any and all waste that is either:

1) waste which is prohibited from disposal at a sanitary landfill by state or federal law, regulation, rule, code, permit or permit condition; or

2) a hazardous waste; or

3) Special Waste without an approved special waste permit, or

4) Infectious Medical Waste.

(Ordinance No. 82-146, Sec. 2; amended by Ordinance No. 86-210, Sec. 1; Ordinance No. 88-257, Sec. 2; Ordinance No. 88-278, Sec. 1; Ordinance No. 89-269, Sec. 2; Ordinance No. 89-295, Sec. 1; and Ordinance No. 90-337, Sec. 2; Ordinance No. 90-372, Sec. 1)

Section 3 - Metro Code Section 5.02.020, Disposal Charges at St. Johns Landfill, is amended as follows:

5.02.020 Disposal Charges at St. Johns Landfill:

(a) A [~~commercial~~]base disposal fee of [~~\$26.00~~]**\$27.25** per ton of **limited purpose** solid waste delivered is established

for disposal at the St. Johns Landfill. Said rate shall be in addition to other fees, charges and surcharges established pursuant to this chapter.

~~[(b) Notwithstanding the provisions of 5.02.020(a), the base disposal rate for Self-Haul trips of two and one-half cubic yards or less of garbage shall be \$3.50 per cubic yard if the disposer has separated and included in his/her load at least one-half cubic yard of recyclables (except Source Separated Yard Debris). This rate shall be in addition to other fees and charges established pursuant to this chapter.]~~

~~[(e)]~~ (b) The following table summarizes the disposal charges to be collected by the Metropolitan Service District from all persons disposing of solid waste at the St. Johns Landfill. The minimum charge for ~~[commercial vehicles]~~ disposal shall be \$15.00.

(Ordinance No. 82-146; amended by Ordinance No. 83-163 Sec. 1; Ordinance No. 85-191, Sec. 2; Ordinance No. 86-214, Sec. 2; Ordinance No. 88-257, Sec. 3; Ordinance No. 88-278, Sec. 2; Ordinance No. 89-295, Sec. 2; and Ordinance No. 90-337, Sec. 3)

ST. JOHNS LANDFILL

<u>[Vehicle Category]</u>	<u>Fee Component</u>	<u>Tonnage Rate \$/Ton</u>
<u>[Commercial] Credit Account</u>		
	Disposal Fee	[\$26.00] \$27.25
	Regional [Tier One] User Fee (Tier One)	[-7.00] 13.00
	Metro [Tier Two] User Fee (Tier Two)	[14.00] 8.50
	Total Rate	[\$47.00] *\$48.75

<u>[Vehicle Category]</u>	<u>Fee Component</u>	<u>Trip Rate</u>
---------------------------	----------------------	------------------

Residential Self-Haul

Flat Fee _____ \$15.00

<u>Tires</u>	<u>Type of Tire</u>	<u>Per Unit</u>
Car tires off rim		\$.85
Car tires on rim		2.30
Truck tires off rim		2.30
Truck tires on rim		7.00
Any tire 21 inches or larger -diameter off or on rim		12.00]

-
- * Total Rate does not include state imposed fees which are currently \$.50 DEQ Promotion Program Fee and \$.25 DEQ Orphan Site Program Fee and enhancement fees, or taxes other than excise taxes. [established pursuant to Section 5.02.025 (b).] The actual fees collected after addition of all taxes and fees shall be rounded up to the closest \$.50.

Section 4 - Metro Code Section 5.02.025, Disposal Charges at Metro South Station, Metro East Station and the Metro/Riedel Compost Facility, is amended as follows:

5.02.025 Disposal Charges at Metro South Station, Metro ~~[East]~~Central Station and the Metro/Riedel Compost Facility.

(a) A base disposal rate of [~~\$26.00~~]\$34.75 per ton of solid waste delivered is established for disposal at the Metro South Station, Metro ~~[East]~~Central Station and the Metro/Riedel Compost Facility.

(b) An enhancement fee of \$.50 per ton is established to be charged at the Metro South Station, Metro ~~[East]~~Central Station and the Metro/Riedel Compost Facility.

(c) Notwithstanding the provisions of Sections 5.02.025 (a) and (b), persons other than Credit Account Customers who have separated and included in their loads at least one half cubic yard of recyclable material (as defined in ORS 459.005) shall receive a \$3.00 credit toward their disposal charge if their load is transported inside a passenger car or in a pickup truck [~~of up to~~]not greater than a 3/4 ton capacity.

(d) The disposal fee and enhancement fee established by this section shall be in addition to other fees, charges and surcharges established pursuant to this chapter.

(e) The following table summarizes the disposal charges to be collected by the Metropolitan Service District from all persons disposing of solid waste at the Metro South Station, Metro ~~[East]~~Central Station and the Metro/Riedel Compost Facility. The minimum charge for all vehicles shall be \$15.00.

(Ordinance No. 82-146; amended by Ordinance No. 83-163, Sec. 2; Ordinance No. 85-191, Sec. 3; Ordinance No. 86-214, Sec. 3; Ordinance No. 88-257, Sec. 4; Ordinance No. 88-278, Sec. 3;

Ordinance No. 89-269, Sec. 2; Ordinance No. 89-295, Sec. 3.; and Ordinance No. 90-337, Sec. 4; Ordinance No. 90-372, Sec. 2)

METRO SOUTH STATION
 METRO [EAST]CENTRAL STATION
 METRO/RIEDEL COMPOST FACILITY

[Vehicle Category]	Fee Component	Tonnage Rate \$/Ton
Disposal Fee		[\$26.00] \$34.75
Regional [Tier One] User Fee (Tier One)		[-7.00] 13.00
Metro Tier [Two User] Fee (Tier Two)		[14.00] 8.50
Regional Transfer Charge		[7.00] 10.50
Total Rate		[\$54.00] *\$66.75
Minimum Charge per Vehicle		\$15.00

<u>Tires</u>	<u>Type of Tire</u>	<u>Per Unit</u>
	Car tires off rim	\$.85
	Car tires on rim	2.30
	Truck tires off rim	2.30
	Truck tires on rim	7.00
	Any tire 21 inches or larger diameter off or on rim	12.00

* Total Rate does not include state imposed fees which are currently \$.50 DEQ Promotion Program Fee and \$.25 DEQ Orphan Site Program Fee and enhancement fees, or taxes other than excise taxes. [established pursuant to Section 5.02.025 (b).] The actual fees collected after addition of all taxes and fees shall be rounded up to the closest \$.50.

5.02.030 Waiver of Disposal Charges at St. Johns Landfill: A waiver of disposal charges may be made by the operator of the St. Johns Landfill for disposal of inert material including but not limited to earth, sand, stone, crushed concrete and broken asphaltic concrete and wood chips, if, at the discretion of the

operator of the landfill, such material is needed at the landfill for cover, road base or other internal use.

(Ordinance No. 82-146, Sec. 5)

Metro Code Section 5.02.035, is deleted.

~~[5.02.035 Litter Control: All vehicles entering Metro operated solid waste disposal facilities, transfer stations, recycling centers, or compost facilities with loads that are not covered with a secure tarp or solid tight fitting cover that prohibits material from being blown from the vehicle while in motion shall be charged double the total disposal charge which would otherwise be charged.]~~

(Ordinance No. 82-146, Sec. 6; amended by Ordinance No. 89-269, Sec. 2; and Ordinance No. 90-337, Sec. 5)

Section 5 - Metro Code Section 5.02.040, is deleted.

~~[5.02.040 Excess Weight Charge at St. Johns Landfill: All vehicles entering the St. Johns Landfill with gross weights in excess of the Incinerator Road Bridge weight limits established by the City of Portland shall be charged double the normal disposal rate per ton for the amount of weight in excess of the bridge weight limit. Said weight limit shall be posted at the scalehouse of the landfill.~~

~~(Ordinance No. 82-146, Sec. 7)]~~

Section 6 - Metro Code Section 5.02.045, User Fees, is amended as follows:

5.02.045 User Fees: The following user fees are established and shall be collected and paid to Metro by the operators of solid waste disposal facilities, whether within or without the boundaries of Metro, for the disposal of solid waste generated, originating, collected or disposed within Metro boundaries in accordance with Metro Code Section 5.01.150:

(a) ~~[Tier One]~~ Regional User Fee (Tier One)

(1) For noncompacted solid waste, ~~[\$7.00]~~ \$13.00 per ton delivered.

(2) For compacted solid waste, ~~[\$7.00]~~ \$13.00 per ton delivered.

(b) ~~[Tier Two]~~ Metro User Fee (Tier Two): ~~[\$14.00]~~ \$8.50 per ton for all solid waste delivered to Metro owned or operated facilities.

(c) Inert material, including but not limited to earth, sand, stone, ~~[b]~~ crushed stone, crushed concrete, broken asphaltic concrete and wood chips used at a landfill for cover, diking, road base or other internal use and for which disposal charges have been waived pursuant to Section 5.02.030 of this chapter shall be exempt from the above user fees.

(d) User fees shall not apply to wastes received at franchised processing centers that accomplish materials recovery and recycling as a primary operation.

(e) Notwithstanding the provisions of (a) and (b) above, Metro User fees may be assessed as maybe appropriate for solid waste which is the subject of a Non-System License under Chapter 5.05 of the Metro Code.

(Ordinance No. 82-146, Sec. 8; amended Ordinance No. 85-191, Sec. 4; Ordinance No. 86-214, Sec. 4; Ordinance No. 88-257, Sec. 6; Ordinance No. 88-278, Sec. 4; Ordinance No. 89-269, Sec. 2; and Ordinance No. 90-337, Sec. 6; Ordinance No. 90-351, Sec. 1; Ordinance No. 90-372, Sec. 3)

Section 7 - Metro Code Section 5.02.050, Regional Transfer Charge, is amended as follows:

5.02.050 Regional Transfer Charge:

(a) There is hereby established a regional transfer charge which shall be a charge to the users of Metro South Station, Metro [East]Central Station and Metro/Riedel Compost Facility. Such charge shall be collected and paid in the form of an add-on in addition to user fees established by Section 5.02.045 of this chapter.

(b) The following regional transfer charges shall be collected and paid to Metro by the users of Metro South Station, Metro [East]Central Station and the Metro/Riedel Compost Facility for the disposal of solid waste generated, originating, collected or disposed within Metro boundaries: For all solid waste [~~\$7.00~~]\$10.50 per ton delivered.

(c) Regional transfer charges shall not apply to wastes received at franchised processing centers that accomplish materials recovery and recycling as a primary operation.

(Ordinance No. 82-146; amended by Ordinance No. 83-163, Sec. 3; Ordinance No. 85-191, Sec. 5; Ordinance No. 86-212, Sec. 1; Ordinance No. 86-214, Sec. 5; Ordinance No. 88-257, Sec. 8; Ordinance No. 88-278, Sec. 5; Ordinance No. 89-269, Sec. 2; and Ordinance No. 90-337, Sec. 7; Ordinance No. 90-372, Sec. 4)

Section 8 - Metro Code Section 5.02.060, Payment of Disposal Charges and Surcharges; Credit Policy, is amended as follows:

5.02.060 Payment of Disposal Charges and Surcharges; Credit Policy:

(a) Disposal charges and out-of-state surcharges established pursuant to Sections 5.02.020, 5.02.025 and 5.02.055 of this chapter may be paid in cash, credit card, or guaranteed check at the time of disposal, or may be paid pursuant to the credit policy established in this section.

(b) For purposes of this section, the following definitions shall apply:

(1) Account charges are "due" on or before the last day of the month billed and are "past due" thereafter.

(2) Account charges are "30 days past due" on the first day of the month following billing.

(3) Account charges are "45 days past due" on the fifteenth day of the month following billing.

(4) Account charges are "60 days past due" on the first day of the second month following billing.

(c) Persons wishing to dispose of solid waste at Metro disposal facilities on a credit basis shall be required to first submit and have approved an application for credit on a form provided by Metro. That application shall include such provisions as the Metro Executive Officer deems necessary to secure prompt payment. Approval shall be consistent with prudent credit practices.

(d) A finance charge of one and one-half (1-1/2) percent per month (18 percent per annum), computed from the date an account becomes thirty (30) days past due, will be assessed on all accounts which become sixty (60) days past due and will be added to the oldest months charges past due. Finance charges will continue to be assessed on negotiated repayment schedules.

(e) Accounts 45 days past due may be placed on a "cash only" basis until the account is paid in full or brought to

within 30 days past due. If an account is allowed to become 60 days past due, permission to dispose of waste at the facility may be denied until the account and finance charges are paid in full.

(f) If, pursuant to subsection (e) of this section, an account is placed on a "cash only" basis more than once during any consecutive 12-month period, or if service is denied because the account is allowed to become 60 days past due, the account may be required to submit a new application for credit. Such new application must be accompanied by a satisfactory payment guarantee bond, or other payment guarantee acceptable to the Executive Officer, which is:

- (1) Effective for one year; and
- (2) Collectable if the account again becomes 60 days overdue during the period of the bond; and
- (3) In an amount equal to 150 percent of the amount due when credit was last suspended or service was denied, whichever is greater.

(g) If a credit customer sells, terminates or makes substantial changes in the scope of their business after their application for credit was approved, they must notify Metro of this sale, termination or substantial change immediately. Credit may be discontinued until and unless an application containing the new information is approved.

(h) Adjustment of accounts receivable and reversing of finance charges will follow prudent credit practices; adjustments over \$500 will be reported to the Council in writing on a monthly basis, and adjustments over \$10,000 will require Council approval.

(i) The Executive Officer may end pursuit of accounts receivable, consistent with prudent credit practices, when the likelihood of collecting does not justify further collection costs. Such actions will be reported to the Council in writing on a monthly basis when the amount exceeds \$500, and amounts over \$10,000 will require Council approval.

(Ordinance No. 82-146, Sec. 11; and Ordinance No. 90-350)

Section 9 - Metro Code Section 5.02.065, Special Waste Surcharge and Special Waste Permit Application Fee, is amended as follows:

5.02.065 Special Waste Surcharge and Special Waste Permit Application Fees:

(a) There ~~[are]~~ **is** hereby established a Special Waste Surcharge and a Special Waste Permit Application Fee which shall be collected on all special wastes disposed at ~~[the St. Johns Landfill]~~ **Metro facilities** and on all Special Waste Permit Applications. Said Surcharge and fee shall be in addition to any other charge or fee established by this chapter. The purpose of the surcharge and permit application fee is to require disposers of special waste ~~[, including asbestos,]~~ to pay the cost of those services which are provided ~~[at the St. Johns Landfill and]~~ by the Metro Solid Waste Department to manage special wastes. The said surcharge and fee shall be applied to all **acceptable** special wastes as defined in Metro Code Section 5.02.015.

(b) The amount of the Special Waste Surcharge collected ~~[at the St. Johns Landfill]~~ shall be \$4.00 per ton of special waste ~~[-excluding asbestos-]~~ delivered. ~~[The amount collected at the St. Johns Landfill for asbestos shall be \$100.00 per ton delivered.]~~

(c) The minimum charge collected through all fees for each special waste ~~[-excluding asbestos-]~~ disposal trip shall be \$15.00. ~~[The minimum charge for each asbestos trip shall be \$100.00.]~~

(d) The amount of the Special Waste Permit Application Fee shall be \$25.00. This fee shall be collected at the time Special Waste Permit Applications are received for processing.

(e) Lab or testing costs which are incurred by Metro for evaluation of a particular waste may be charged to the disposer of that waste.

~~[(f) The fees listed in this section shall not be collected from any person who obtains a special waste permit to dispose of waste containing asbestos or other special waste which is removed from a dwelling or apartment building of three or fewer units owned or rented by that person and not disposed of by a commercial hauler or asbestos remover. The purpose of this exemption is to encourage such persons to separate Special Waste from the residential waste stream so that it is disposed of properly.]~~

(Ordinance No. 85-191, Sec. 6; amended by Ordinance No. 86-214, Sec. 6; Ordinance No. 88-257, Sec. 9; and Ordinance No. 90-337, Sec. 8)

Section 10 - Metro Code Section 5.02.070, Source Separated Yard Debris Disposal Charge, is amended as follows:

5.02.070 Source Separated Yard Debris Disposal Charge:

(a) There is hereby established a reduced disposal fee for Source Separated Yard Debris [which]that shall be collected on all source separated yard debris disposed at the [St. Johns Landfill,]Metro South Station or Metro [East]Central Station. Said disposal charge is in lieu of other Base Disposal charges, User Fees, Regional Transfer Charges, Rehabilitation and Enhancement Fees, and Certification Non-Compliance Fees [which]that may be required by Sections 5.02.020, 5.02.025, 5.02.041, 5.02.045, 5.02.046, 5.02.050 and 5.02.075 of this chapter. These other fees shall not be collected on waste which is accepted as Source Separated Yard Debris, under the definition of 5.02.015(d). The purpose of the Source Separated Yard Debris

Charge is to encourage greater source separation of yard debris so that material is diverted from land disposal at [~~St. Johns Landfill or~~]the Columbia Ridge Landfill and is made available for reuse.

(b) The amount of the Source Separated Yard Debris charge to be collected at the [~~St. Johns Landfill,~~]Metro South Station and Metro [~~East~~]~~Central~~ Station shall be [~~\$25.00~~]~~\$49.00~~ per ton for Source Separated Yard Debris delivered by Credit and ~~Cash~~ Account Customers[~~, and \$10.00 per trip for Source Separated Yard Debris delivered by persons other than Credit Account Customers~~].

(c) The minimum charge for Credit and ~~Cash~~ Account Customers delivering Source Separated Yard Debris shall be [~~\$25.00~~]~~\$10.00~~. The minimum charge for the delivery of a single Christmas tree as Source Separated Yard Debris shall be \$.50.

(Ordinance No. 86-210, Sec. 2; amended by Ordinance No. 86-211, Sec. 1; Ordinance No. 86-214, Sec. 7; Ordinance No. 88-257, Sec. 10; Ordinance No. 88-278, Sec. 6; Ordinance No. 89-295, Sec. 4.; and Ordinance No. 90-337, Sec. 9; Ordinance No. 90-372, Sec. 5)

Section 11 - Metro Code Section 5.02.070, Certification Non-Compliance Fee, is [~~amended as follows~~] ~~deleted~~:

~~[5.02.075 Certification Non-Compliance Fee:~~

~~There is hereby established a Certification Non-Compliance Fee. The purpose of this fee is to pay for the cost of implementing remedial programs to bring non-certified areas or jurisdictions in compliance with current certification standards, and to support other programs which are directed at accomplishing the recycling goals of the certification program. This fee shall be collected on all waste generated in non-certified areas and delivered to Metro facilities by specifically identified~~

~~disposers and shall be in addition to other fees collected. The Certification Non-Compliance Fee shall be set by the Metropolitan Service District Council when the following conditions have been met:~~

~~{(a) The Metro Council has adopted a Waste Reduction Certification Program which provides criteria and a process for designating local areas or jurisdictions and/or waste disposers as either certified or non-certified for the purpose of collecting this fee; and~~

~~(b) The Metro Council has made the determination that a local jurisdiction is not in compliance and that implementation of the fee is needed to achieve the purposes stated above.~~

~~{Ordinance No. 86-214, Sec. 8; Ordinance No. 90-372, Sec. 6}~~

Section 12 - Metro Code Section 5.02.080, Post-Collection Recycling Incentive, is deleted.

~~[5.02.080 Post-Collection Recycling Incentive: The Executive Officer shall enter into agreements with franchised processing centers that accomplish materials recovery and recycling as a primary operation, to pay two dollars per ton of Mixed Paper disposed in mixed loads of 50 percent to 79 percent Mixed Paper.~~

~~{Ordinance No. 88-257, Sec. 11}~~

Section 13 - Metro Code Section 5.02.070, Out-of-District Waste, is amended as follows:

5.02.085 Out-of-District Waste:

(a) Solid Waste generated outside of the District shall not be accepted at the St. Johns Landfill, Metro South Station, Metro [East]Central Station or Metro-Riedel Compost Facility for

disposal unless a special permit to do so is issued by the Metro Executive Officer. Any permit issued shall specify the circumstances justifying such exception. Any permit issued shall be subject to:

- (1) Available landfill or facility capacity considering the capacity needs for disposal of Solid Waste generated within the District;
- (2) No adverse impact upon District rate payers;
- (3) Any Solid Waste authorized to be disposed under this ordinance shall be subject to the same standards and conditions pertaining to "Acceptable Waste" deliveries to the above named facilities; and
- (4) Any additional conditions as specified by the Executive Officer which may be necessary for the safe, efficient or cost effective operation of Metro facilities.

(b) Any special permit issued under Paragraph 1 shall expire in a period of time not to exceed 12 months from date of issuance unless a longer period of time is authorized by the Metro Council. Any renewals or extensions of a permit resulting in a cumulative permit period exceeding 12 months shall require the approval of the Metro Council.

(c) Any special permit issued by the Executive Officer may be revoked upon thirty (30) days notice to the permit holder.

(d) Any permit for a monthly tonnage in excess of one thousand tons (1,000) per month must be referred to Council prior to the approval.

(Ordinance No. 90-352, Sec. 2)

Section 14 - Effective Date

The effective date of the ordinance amendments contained herein shall be July 1, 1991. This effective date is made in conformity with the requirements of ORS 268.515 (7) requiring user or service charges not to become effective until 65 working days after passage of the ordinance.

ADOPTED by the Council of the Metropolitan Service District this _____ day of _____, 1991.

Tanya Collier, Presiding Officer

ATTEST:

Clerk of the Council

March 7, 1991
I:\PHIL\CHAPS_2.REV



METRO

2000 S.W. First Avenue
Portland, OR 97201-5398
503 221-1646

Memorandum

TO: Bob Martin, Solid Waste Director
FROM: Karla Forsythe, ^{KLF} Council Analyst
DATE: March 8, 1991
RE: Information Request

As a way of helping Councilors think through the advisability of waiting to approve rates until the budget is approved, Councilor Wyers asks that you respond in writing to several questions. She would like to receive your response by midday next Thursday, March 14, which is the date of the next Council meeting.

1. You indicated at the last Solid Waste Committee meeting that delaying the effective date of the disposal rates until August 5 would result in a revenue loss of approximately \$700,000. Councilor Wyers would appreciate an explanation of how this figure is calculated.

2. You indicated that the revenue loss could be recouped by an additional \$1 added to the rates. How was this figure derived? Are there other options for dealing with the short-term revenue loss?

Thanks for your help.

c: Council Solid Waste Committee



METRO

2000 S.W. First Avenue
Portland, OR 97201-5398
503.221-1646

Memorandum

TO: Roosevelt Carter, Budget and Finance Manager

FROM: Karla Forsythe^{KLF} Council Analyst

DATE: March 7, 1991

RE: Solid Waste Committee Questions and Requests from 3/5/91 Meeting

This memo sets out questions asked by Solid Waste Committee members at the last Committee meeting. If the questions and issues listed below need clarification, or do not comport with your recollection, please let me know so I can contact the appropriate Councilor and obtain specific guidance.

Questions from Committee meeting to be addressed at 3/19/91 Solid Waste Committee meeting

1. Has the Columbia Ridge Landfill offered a lower cost to other jurisdictions than has been offered to Metro?
2. Councilor Van Bergen said that more tons are included in the rate information presented by staff than are included in the Solid Waste Information System report, and asked for a reconciliation.
3. What was the certification non-compliance fee, which is now proposed to be deleted?
4. Can we tell from the Solid Waste Information System report whether recycling is succeeding or failing?
5. The Committee requested a report from the Rate Review Committee (I'll assume the Solid Waste Department will arrange for this, unless you tell me otherwise).

Format of information

1. Councilor Van Bergen asked if data in the Solid Waste Information System report could be provided in a fiscal year format. The Department indicated that the current calendar year format is useful to haulers and other report users, so it appears the Department will continue with the current format.

ROOSEVELT CARTER
March 7, 1991
Page Two

2. Councilor Wyers inquired about the possibility of updating the rate study; Bob Martin indicated that the Department does not favor the rate study approach, and plans to create a rate model which will be supplemented with a narrative

Issues from Committee meeting which the Department has addressed through proposed amendments filed with Council staff on 3/7/91

1. Definitions from the amended staff report have been included in the proposed amendment.
2. Figures have been included for the base disposal rate (\$45.75) and for source separated yard debris (\$49.00).
3. Language relating to certification non-compliance has been deleted.

c: Solid Waste Committee members
Councilor Van Bergen



METRO

2000 S.W. First Avenue
Portland, OR 97201-5398
503/221-1646

Memorandum

DATE: March 7, 1991
TO: *Carla* Karla Forsythe, Council Analyst
FROM: *for* Bob Martin, Solid Waste Director
RE: Reply to Memo on Ordinance No. 91-368

This memorandum responds directly to the questions raised in your memo dated March 5, 1991 and promised to members of the Solid Waste Committee.

1. A briefing packet containing all requested materials will be available at the March 5, 1991 Solid Waste Committee meeting.

The premise for cost allocation between the Regional User Fee (Tier 1) and Metro User Fee (Tier 2) is that of direct benefit to users. All system users benefit from Metro's management and operation of the Regional Solid Waste System thus all regional waste is assessed the Regional User Fee (Tier 1). Users of Metro owned and operated facilities are also assessed the Metro User Fee (Tier 2) as direct beneficiaries.

"Facility operations" as used in the "Tier 2" definition refers to any "fixed" costs that maybe contained in a facility operations contract. Household hazardous waste collection facility costs are allocated to the Regional User Fee. The Metro South and Metro Central facilities will be on line by late summer 1991 and late 1991, respectively.

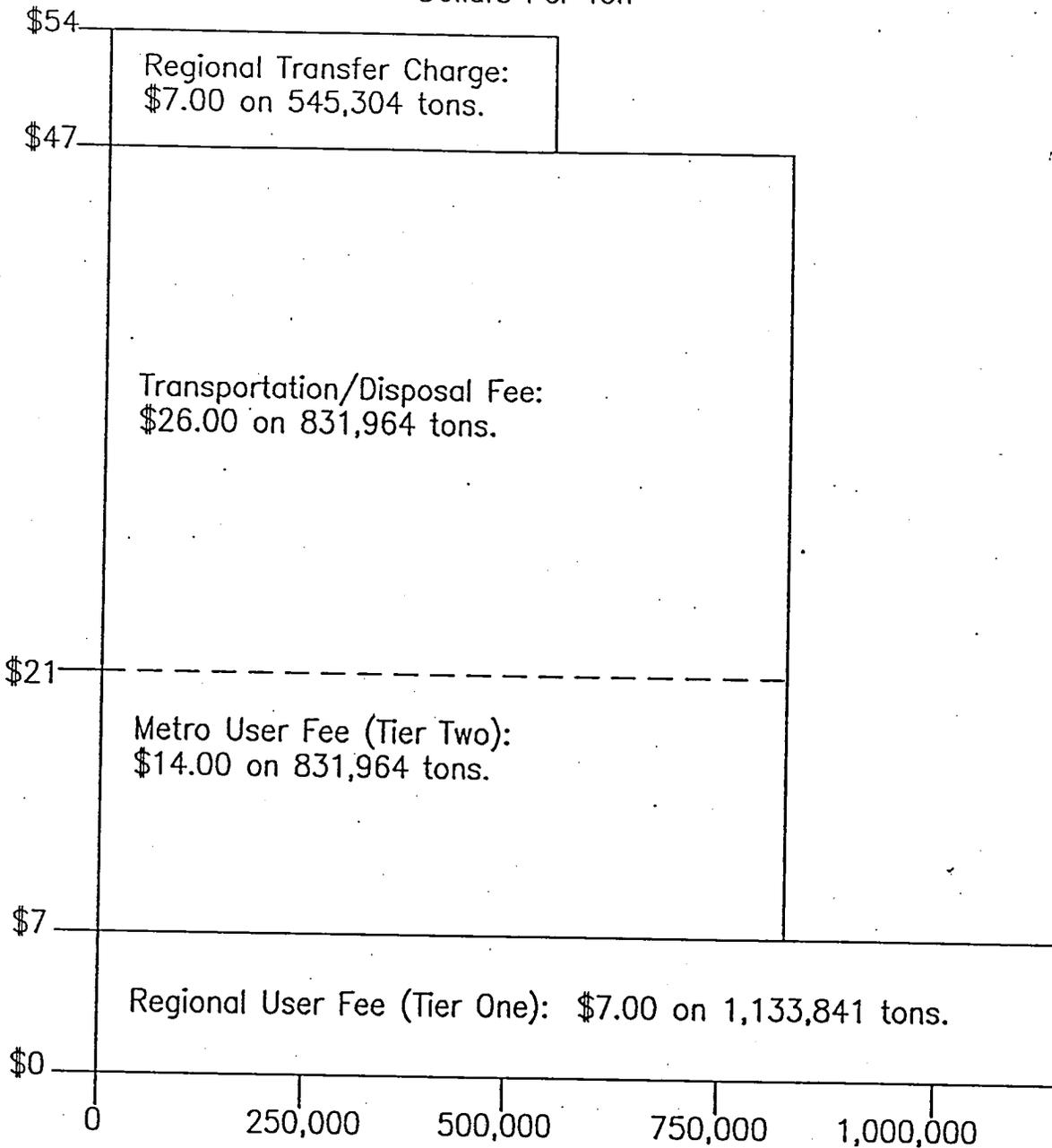
The fixed costs of transport and disposal are defined in the "General Conditions" of the Jack Gray and Oregon Waste Systems contracts and are computed to be \$69,116.67 per month for JGT and \$150,245.83 per month for OWS.

Overall rates have increased dramatically over the last few years due to: The need to properly fund the St. Johns Closure Account, the costs of setting up the infrastructure to package, transport and dispose of waste out of region and finally, the shift of at least 90 per cent of the region's general purpose waste to the Columbia Ridge Landfill. The increase now being proposed represents the last segment of our efforts to "ramp" to our previously forecasted costs of shipping waste out of the region.

2. The Regional User Fee (Tier 1) is increasing due to assessment of household hazardous waste expenses, debt service and other specific expenses related to the Composter. The Metro User Fee (Tier 2) is decreasing due to moving St. Johns expenses to its own fee program and completion of a number of capital projects, primarily at Metro South during the current fiscal year.
3. All costs are a function of budgetary efforts and assignment and reflect the best estimates of affected managers.
4. We concur and will reflect these definitions in an amended version of the ordinance.
5. The base disposal fee for limited purpose solid waste is shown as \$45.75.
6. The charts as shown on pages 5.02-8 and 5.02-10 do reflect a proposed policy change which will be explained at the meeting.
7. Publication of proposed rates is always contingent upon obtaining proper review and approvals.
8. Allowing payment by credit card is an existing practice. Metro's Accounting Department considers credit card payments to be "cash" payments. The current language changes are housekeeping changes to reflect the existing accounting practice.
9. The proposed disposal charge for source separated yard debris is \$49.00 per ton.
10. The Department has no activities relating to certification non-compliance. This reference should be deleted.
11. The Department has published official rate studies for several years. Publication of studies for the current and upcoming fiscal years is planned.
12. The question of approving the budget prior to setting rates is a very involved question that is best left to discussion at the Solid Waste Committee meeting.
13. Provision for recycling credits for nonprofit charitable rehabilitation organizations will be carried as an expense within the Waste Reduction portion of the FY 1991-92 budget.
14. The Department is working on a rate incentive for the composter.

RC:jc

METRO SOLID WASTE DEPARTMENT
FY 1990-91 Revenue Programs
- Dollars Per Ton -



Regional User Fee (Tier One) - Planning, Waste Reduction, Administrative Services.

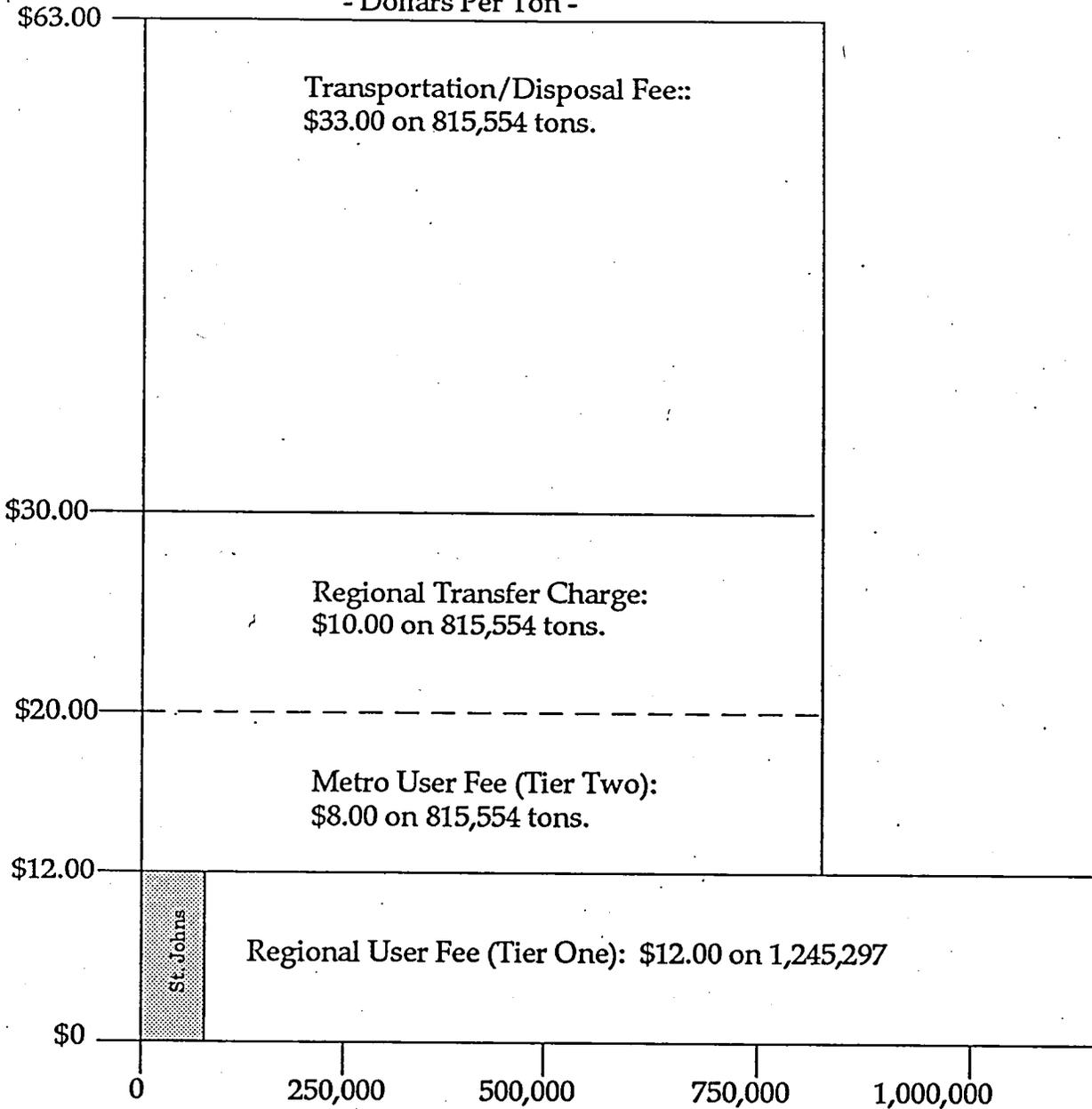
Metro User Fee (Tier Two) - Facility operations, transport/disposal fixed costs, Metro East debt service, facility capital improvements.

Regional Transfer Charge - Transfer Station Operating Contracts.

Disposal Fee - Disposal and transportation contracts, landfill closure contributions.

March 6, 1991

METRO SOLID WASTE DEPARTMENT
SYSTEM RATE
FY 1991-92 Revenue Programs
- Dollars Per Ton -



Regional User Fee (Tier One) - Planning, Waste Reduction,
Administrative Services.

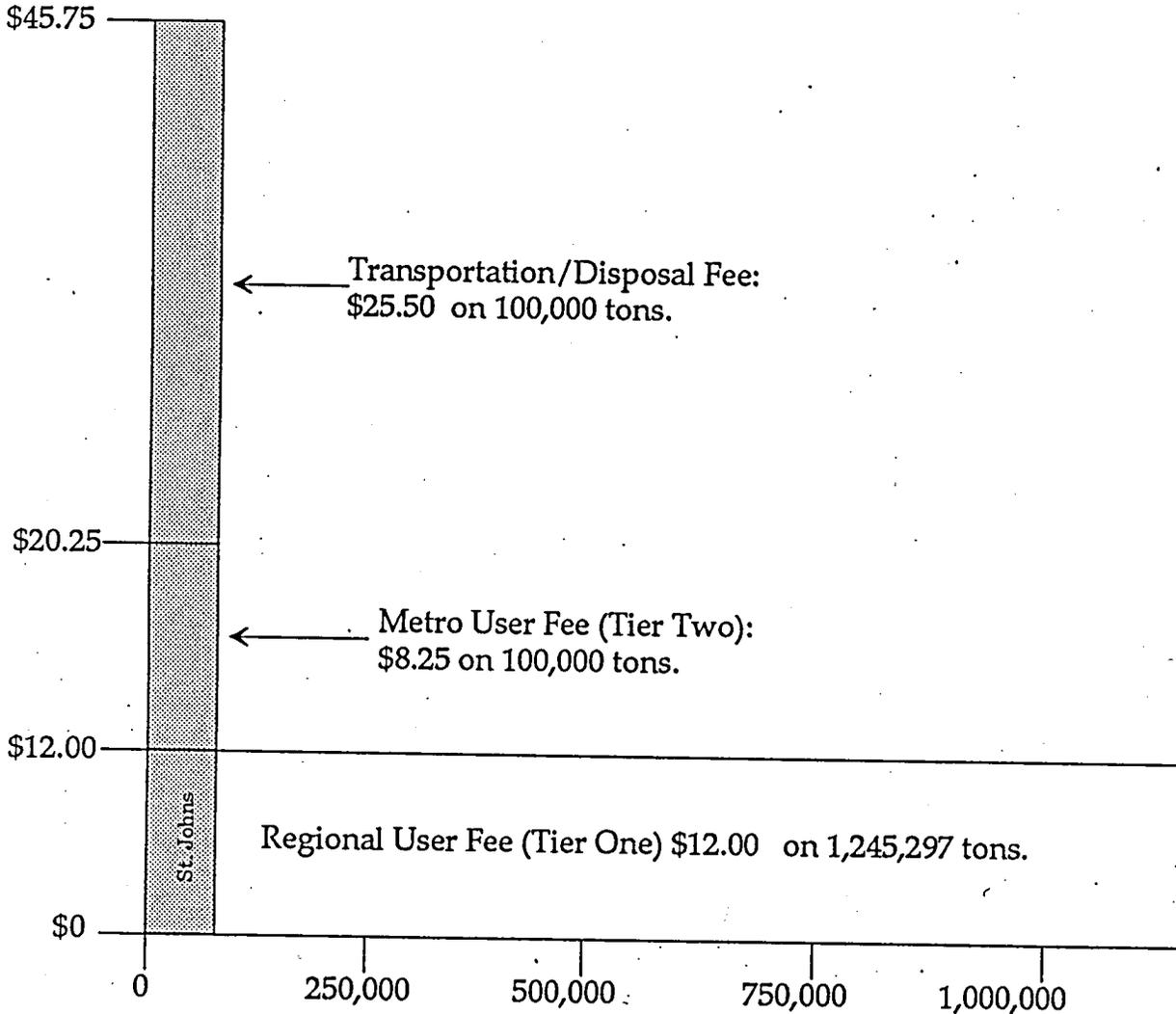
Metro User Fee (Tier Two) - Facility operations, transport/disposal
fixed costs, Metro East debt service,
facility capital improvements.

Regional Transfer Charge - Transfer Station Operating Contracts.

Disposal Fee - Disposal and transportation contracts, landfill closure
contributions.

March 6, 1991

METRO SOLID WASTE DEPARTMENT
ST. JOHNS RATE
FY 1991-92 Revenue Programs
- Dollars Per Ton -



Regional User Fee (Tier One) - Planning, Waste Reduction,
Administrative Services.

Metro User Fee (Tier Two) - Facility operations, transport/disposal
fixed costs, Metro East debt service,
facility capital improvements.

Regional Transfer Charge - Transfer Station Operating Contracts.

Disposal Fee - Disposal and transportation contracts, landfill closure
contributions.

EXPENSES (in dollars)	REGIONAL USER FEE (Tier One)	METRO SYSTEM USER FEE (Tier Two)	REGIONAL TRANSFER CHG. (Station Operation)	DISPOSAL FEE (Transport/ Disposal)	Total
Composter					
Personal Services	110,365				110,365
Material & Services	65,600				65,600
Operation & Maint.					0
Composter trans. allowance	376,000				376,000
Debt Service	2,339,000				2,339,000
Insurance and taxes	464,000				464,000
Fixed Costs - Transport					0
Fixed Costs - Disposal					0
Disposal Fees	50,000				50,000
Transport Fees	50,000				50,000
GENERAL ACCT. - Cap. Outlay	23,000				23,000
TOTAL COMPOSTER	3,477,965	0	0	0	3,477,965
Metro West					
Personal Services					0
Material & Services	2,600				2,600
GENERAL ACCT. - Cap. Outlay					0
TOTAL METRO WEST	2,600	0	0	0	2,600
TOTAL OPERATIONS	6,589,636	821,319	0	1,550,000	8,960,955
WASTE REDUCTION					
Personal Services	632,830				632,830
Material & Services	3,218,255				3,218,255
GENERAL ACCT. - Cap. Outlay	267,000				267,000
TOTAL WASTE REDUCTION	4,118,085	0	0	0	4,118,085
ADMINISTRATION, BUDGET & FINANCE, AND ENGINEERING & ANALYSIS					
Personal Services	1,270,709	0	0	0	1,270,709
Material & Services	584,140	0	0	0	584,140
GENERAL ACCT. - Cap. Outlay	171,100	0	0	0	171,100
TOTAL	2,025,949	0	0	0	2,025,949
TOTAL SOLID WASTE DEPARTMENT	12,733,670	821,319	0	1,550,000	15,104,989
TOTAL TRANSFERS	5,933,648	0	0	1,000,000	6,933,648
TOTAL EXPENSES	18,667,318	821,319	0	2,550,000	22,038,637
TOTAL REVENUES	3,280,213	0	0	0	3,280,213
TOTAL NET EXPENSES	15,387,105	821,319	0	2,550,000	18,758,424
TOTAL TONNAGE	1,245,297	100,000	100,000	100,000	
RATE	\$12.36	\$8.21	\$0.00	\$25.50	\$46.07

>>> DRAFT <<<

SOLID WASTE DEPARTMENT

March 5, 1991

<<<< Preliminary St. Johns Landfill Rate >>>>

FY 1991-92

EXPENSES (in dollars)	REGIONAL USER FEE (Tier One)	METRO SYSTEM USER FEE (Tier Two)	REGIONAL TRANSFER CHG. (Station Operation)	DISPOSAL FEE (Transport/ Disposal)	Total
OPERATIONS					
St. Johns Landfill					
Personal Services	17,061	17,308			34,369
Material & Services	48,500	343,131		1,550,000	1,941,631
GENERAL ACCT. - Cap. Outlay		460,880			460,880
TOTAL ST. JOHNS LANDFILL	65,561	821,319	0	1,550,000	2,436,880
Metro South					
Personal Services	130,524				130,524
Material & Services	48,500				48,500
Station Operation					0
Disposal Fees	200,000				200,000
Transport Fees	200,000				200,000
Marion County Disposal					0
Marion County Transport					0
Fixed Cost - Disposal					0
Fixed Cost - Transport					0
GENERAL ACCT. - Cap. Outlay	1,306,000				1,306,000
AL METRO SOUTH	1,885,024	0	0	0	1,885,024
Metro Central					
Personal Services	128,986				128,986
Material & Services	48,500				48,500
Station Operation					0
Disposal Fees	200,000				200,000
Transport Fees	200,000				200,000
Fixed Costs - Transport					0
Fixed Costs - Disposal					0
Recycling Avoided Cost - Disp.					0
Recycling Avoided Cost - Trans.					0
OPRC - Disposal					0
OPRC - Transport					0
GENERAL ACCT. - Cap. Outlay	581,000				581,000
TOTAL METRO CENTRAL	1,158,486	0	0	0	1,158,486

- OVER -

EXPENSES (in dollars)	REGIONAL USER FEE (Tier One)	METRO SYSTEM USER FEE (Tier Two)	REGIONAL TRANSFER CHG. (Station Operation)	DISPOSAL FEE (Transport/ Disposal)	TOTAL
OPERATIONS					
Metro South					
Personal Services	130,524	255,458			385,982
Material & Services	48,500	232,540			281,040
Station Operation			1,367,177		1,367,177
Disposal Fees				6,684,770	6,684,770
Transport Fees				3,946,641	3,946,641
Marion County Disposal				476,981	476,981
Marion County Transport				83,489	83,489
Fixed Cost - Disposal	200,000	849,537			1,049,537
Fixed Cost - Transport	200,000	390,807			590,807
GENERAL ACCT. - Cap. Outlay	1,306,000	225,000			1,531,000
TOTAL METRO SOUTH	1,885,024	1,953,342	1,367,177	11,191,881	16,397,424
Metro Central					
Personal Services	128,986	317,375			446,361
Material & Services	48,500	249,560			298,060
Station Operation			3,423,000		3,423,000
Disposal Fees	200,000			6,008,864	6,208,864
Transport Fees	200,000			3,780,958	3,980,958
Fixed Costs - Transport		361,537			361,537
Fixed Costs - Disposal		785,910			785,910
Recycling Avoided Cost - Disp.				1,606,245	1,606,245
Recycling Avoided Cost - Trans.				1,007,552	1,007,552
GENERAL ACCT. - Cap. Outlay	581,000	346,000			927,000
TOTAL METRO CENTRAL	1,158,486	2,060,382	3,423,000	12,403,619	19,045,487
Composter					
Personal Services	110,355	126,648			237,003
Material & Services	65,600	195,190			260,790
Operation & Maint.			3,321,000		3,321,000
Composter trans. allowance	376,000				376,000
Debt Service	2,339,000				2,339,000
Insurance and taxes	464,000				464,000
Fixed Costs - Transport		77,055			77,055
Fixed Costs - Disposal		167,503			167,503
Disposal Fees	50,000			1,322,011	1,372,011
Transport Fees	50,000			952,496	1,002,496
GENERAL ACCT. - Cap. Outlay	23,000	83,000			106,000
TOTAL COMPOSTER	3,477,955	649,396	3,321,000	2,274,507	9,722,858

EXPENSES (in dollars)	REGIONAL USER FEE (Tier One)	METRO SYSTEM USER FEE (Tier Two)	REGIONAL TRANSFER CHG. (Station Operation)	DISPOSAL FEE (Transport/ Disposal)	TOTAL
Metro West					
Personal Services	0	13,280	0	0	13,280
Material & Services	2,600	2,451	0	0	5,051
GENERAL ACCT. - Cap. Outlay	0	125,000	0	0	125,000
TOTAL METRO WEST	2,600	140,731	0	0	143,331
TOTAL OPERATION	6,524,065	4,803,851	8,111,177	25,870,007	45,309,100
WASTE REDUCTION					
Personal Services	632,830	0	0	0	632,830
Material & Services	3,218,255	0	0	0	3,218,255
GENERAL ACCT. - Cap. Outlay	267,000	0	0	0	267,000
TOTAL WASTE REDUCTION	4,118,085	0	0	0	4,118,085
ADMINISTRATION, BUDGET & FINANCE, AND ENGINEERING & ANALYSIS					
Personal Services	1,270,709	0	0	0	1,270,709
Material & Services	584,140	0	0	0	584,140
GENERAL ACCT. - Cap. Outlay	171,100	0	0	0	171,100
TOTAL	2,025,949	0	0	0	2,025,949
TOTAL SOLID WASTE DEPARTMENT	12,668,099	4,803,851	8,111,177	25,870,007	51,453,134
TOTAL TRANSFERS/CONTINGENCY	5,933,648	1,750,373	0	1,000,000	8,684,021
TOTAL EXPENSES	18,601,747	6,554,224	8,111,177	26,870,007	60,137,155
TOTAL REVENUES	3,280,213	0	0	0	3,280,213
TOTAL NET EXPENSES	15,321,534	6,554,224	8,111,177	26,870,007	56,856,942
TOTAL TONNAGE	1,245,297	815,554	815,554	815,554	
RATE	\$12.30	\$8.04	\$9.95	\$32.95	\$63.23

SOLID WASTE DEPARTMENT

21 FEBRUARY 1991

<<<< System Rate >>>>

FY 1990-91

EXPENSES (in dollars)	REGIONAL USER FEE (Tier One)	METRO SYSTEM USER FEE (Tier Two)	REGIONAL TRANSFER CHG. (Station Operation)	DISPOSAL FEE (Transport/ Disposal)	Total
OPERATIONS					
ST. JOHNS LANDFILL					
Personal Services		176,460			176,460
Material & Services					0
General		851,177			851,177
Disposal Fees				1,080,579	1,080,579
City of Pld Fee				106,724	106,724
Capital Outlay		180,000			180,000
TOTAL ST. JOHNS LANDFILL	0	1,207,637	0	1,187,303	2,394,940
METRO SOUTH					
Personal Services		344,212			344,212
Material & Services					
General		362,905			362,905
Station Operation			1,147,977		1,147,977
Disposal Fees				4,987,974	4,987,974
Disposal Fees				1,408,563	1,408,563
Transport Fees				2,716,955	2,716,955
Transport Fees				1,037,829	1,037,829
Marion County - Disposal			460,000		460,000
Marion County - Transport			140,000		140,000
Fixed - Disposal Related		1,802,950			1,802,950
Fixed - Transport Related		829,400			829,400
Capital Outlay		104,000			104,000
TOTAL METRO SOUTH	0	3,443,467	1,747,977	10,151,320	15,342,764
METRO CENTRAL					
Personal Services		195,715			195,715
Material & Services					
General		400,035			400,035
Station Operation			1,366,975		1,366,975
Disposal Fees				1,346,514	1,346,514
Disposal Fees				2,427,596	2,427,596
Transport Fees				342,558	342,558
Transport Fees				1,874,659	1,874,659
Recycling Avoided Cost				448,838	448,838
Recycling Avoided Cost				809,199	809,199
Recycling Avoided Cost				114,186	114,186
Recycling Avoided Cost				624,886	624,886
OPRC - Disposal Fees				153,833	153,833
OPRC - Disposal Fees				284,301	284,301
OPRC - Transport Fees				40,918	40,918
OPRC - Transport Fees				216,361	216,361
Capital Outlay		33,000			33,000
TOTAL METRO CENTRAL	0	628,750	1,366,975	8,683,849	10,679,574

- OVER -

EXPENSES (in dollars)	REGIONAL USER FEE (Tier One)	METRO SYSTEM USER FEE (Tier Two)	REGIONAL TRANSFER CHG. (Station Operation)	DISPOSAL FEE (Transport/ Disposal)	Total
COMPOSTER					
Personal Services		30,810			30,810
Material & Services					30,810
General		71,115			71,115
Station Operation			35,417		35,417
Station Operation			142,667		142,667
Station Operation			242,833		242,833
Station Operation			49,000		49,000
Disposal Fees				0	0
Disposal Fees				11,455	11,455
Transport Fees				0	0
Transport Fees				6,650	6,650
Capital Outlay		42,000			42,000
TOTAL COMPOSTER	0	143,925	469,917	18,105	631,947
TOTAL OPERATIONS	0	5,423,780	3,584,869	20,040,577	29,049,225
WASTE REDUCTION					
Personal Services	633,075				633,075
Material & Services	2,720,230				2,720,230
Capital Outlay	20,268				20,268
TOTAL WASTE REDUCTION	3,373,573	0	0	0	3,373,573
ADMINISTRATION, BUDGET & FINANCE, AND ENGINEERING & ANALYSIS					
Personal Services	1,083,805	0	0	0	1,083,805
Material & Services	984,596	0	0	0	984,596
Capital Outlay	21,000	0	0	0	21,000
TOTAL	2,089,401	0	0	0	2,089,401
TOTAL SOLID WASTE DEPARTMENT	5,462,974	5,423,780	3,584,869	20,040,577	34,512,199
5% CONTINGENCY	1,000,000				
TOTAL TRANSFERS	4,008,948	6,104,804	0	1,000,000	11,113,752
TOTAL EXPENSES	10,471,922	11,528,583	3,584,869	21,040,577	45,625,951
TOTAL REVENUE	2,014,397	2,000,000	0	0	4,014,397
TOTAL NET EXPENSES	8,457,525	9,528,583	3,584,869	21,040,577	41,611,554
TOTAL TONNAGE	1,133,841	831,964	821,114	831,964	
RATE	\$7.46	\$14.00	\$7.00	\$25.29	\$53.75

SECOND AMENDMENT TO STAFF REPORT AND ORDINANCE NO. 91-386A
(including all proposed rate figures and amended Section
5.02.015) considered by Council Solid Waste Committee on March
19, 1991.

SECOND AMENDMENT TO STAFF REPORT (SECOND PAGE ONLY)

In addition to these Metro rates we will also be required to collect \$0.50 per ton for the Orphan Site Account and \$0.50 per ton for DEQ programs pursuant to Oregon State statute adopted by HB 3515 last session. Rehabilitation and Enhancement fees of \$.50 per ton for projects within the immediate areas surrounding landfills and other solid waste facilities will also be added as will the Metro excise tax.

FEE DEFINITIONS

Metro Disposal System means Metro South Station, Metro Central Station, Metro/Riedel Compost Facility, St. Johns Landfill, Columbia Ridge Landfill and such other facilities, or contracts for service with Metro which transfer or cause solid waste to be disposed at the Columbia Ridge Landfill or other disposal facility.

Metro Waste Management System means all associated Metro solid waste services related to management of the whole recycling, processing and disposal system, including administrative, planning, financial, engineering and waste reduction activities.

Disposal Fee means those fees which pay the direct unit costs of transportation and disposal of general purpose solid waste to a landfill. Major cost components are: the long haul transport contract and the Oregon Waste System disposal contract.

Regional User Fee (Tier One) means those fees which pay for fixed costs associated with administrative, financial and engineering services and waste reduction activities of the Metro Waste Management System. Contingency fees on all costs and general transfers to solid waste funds and other departments for direct services are included in this fee. This fee is collected on all solid waste originating or disposed within the region.

Metro User Fee (Tier Two) means those fees which pay for fixed costs of the Metro Disposal System. This fee is imposed upon all solid waste delivered to any Metro Disposal System facility which delivery will affect Metro's reserved space capacity at the Columbia Ridge Landfill. Fixed costs of the Oregon Waste Systems disposal contract, the long haul transport contract, debt service and capital items directly related to the facilities are paid through this fee.

Regional Transfer Charge means those fees which pay the direct unit operating costs of the Metro transfer stations and compost facility. This fee is imposed upon all solid waste delivered to Metro Disposal System facilities.

Enhancement Fees means those fees which are used to pay for rehabilitation and enhancement projects in the areas immediately surrounding Metro Disposal System facilities.

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF AMENDING) ORDINANCE NO. 91-386A
METRO CODE CHAPTER 5.02,)
DISPOSAL CHARGES AND USER FEES) Introduced by Rena Cusma,
AT METRO FACILITIES) Executive Officer

THE COUNCIL OF THE METROPOLITAN SERVICE DISTRICT HEREBY ORDAINS:

Section 1 - Metro Code Section 5.02, is amended as follows:

CHAPTER 5.02

DISPOSAL CHARGES AND USER FEES

SECTIONS

5.02.010 Purpose
5.02.015 Definitions
5.02.020 Disposal Charges at St. Johns Landfill
5.02.025 Disposal Charges at Metro South Station, Metro
Central Station, and Metro/Riedel Compost Facility
5.02.030 Waiver of Disposal Charges at St. Johns Landfill
5.02.035 Litter Control [at St. Johns Landfill and the
Metro South Station]
~~[5.02.040 Excess Weight Charge at St. Johns Landfill]~~
5.02.045 User Fees
5.02.050 Regional Transfer Charge
5.02.060 Payment of Disposal Charges and Surcharges; Credit
Policy
5.02.065 Special Waste Surcharge and Special Waste Permit
Application Fees
5.02.070 Source Separated Yard Debris Disposal Charge
~~[5.02.075 Certification Non-Compliance Fee~~
~~5.02.080 Post-Collection Recycling Incentive]~~
5.02.085 Out-of-District Waste

5.02.010 Purpose: The purpose of this chapter is to establish base solid waste disposal rates and charges for the St. Johns Landfill, Metro South Station, Metro [East]Central Station, and the Metro/ Riedel Compost Facility; solid waste user fees, a regional transfer charge, an out-of-state surcharge and enhancement fees, and to establish a credit policy at Metro disposal facilities.

(Ordinance No. 82-146, Sec. 1; amended by Ordinance No. 88-257, Sec. 1, Ordinance No. 89-269, Sec. 2, Ordinance No. 90-337, Sec. 1)

Section 2 - Metro Code Section 5.02.015, Definitions, is amended as follows:

5.02.015 Definitions: As used in this chapter, unless the context requires otherwise:

(a) "Acceptable Special Wastes" means those special wastes which are approved by the Metro Solid Waste Department in the form of a special waste permit. "Unacceptable Waste," as defined in this section, is expressly excluded.

~~(a)~~(b) "Cash Account Customer" means those persons who pay cash for disposal of solid waste at Metro South Station, Metro ~~East~~Central Station, or the Metro/Riedel Compost Facility.

~~(b)~~(c) "Credit Account Customer" means those persons who pay for disposal of solid waste through a charge account at Metro South Station, Metro ~~East~~Central Station, or the Metro/Riedel Compost Facility.

(d) "Disposal Fee" means that fee collected at St. Johns Landfill, Metro South Station, Metro Central Station and Metro/Riedel Compost Facility that pays for the costs of transportation and disposal of solid waste.

(e) "Enhancement Fees" means those fees collected in addition to general disposal rates that are used to pay for rehabilitation and enhancement projects in the areas immediately surrounding landfills and other solid waste facilities.

(f) "Limited purpose solid waste" means construction, demolition, land clearing waste, and non-hazardous industrial dust.

~~(d)~~ (g) "Metro ~~[East]~~ Central Station" is that Metro solid waste transfer and recycling station located at 6161 N.W. 61st Avenue, Portland, Oregon, 97210.

~~(e)~~ (h) "Metro South Station" is that solid waste transfer station owned and operated by Metro and located at ~~[16101 S.E. 82nd Drive]~~ 2001 Washington, Oregon City, Oregon, 97045.

(i) "Regional Transfer Charge" means that fee collected at Metro South Station, Metro Central Station and Metro/Riedel Compost Facility that pays the operating costs of the Metro transfer stations.

~~(m)~~ (j) ~~["Tier Two User Fee"]~~ "Metro User Fee (Tier Two)" means that fee collected at St. Johns Landfill, Metro South Station, Metro ~~[East]~~ Central Station, and Metro/Riedel Compost Facility which consists of fixed expenses particular to those facilities.

~~(e)~~ (k) ~~["Mixed Paper" means uncontaminated, recyclable paper exclusive of newspaper and cardboard.]~~ "Metro/Riedel Compost Facility" is that solid waste mass compost facility located at 5437 N.E. Columbia Boulevard, Portland, Oregon, 97232

~~(g)~~ (l) "Person" means any individual, partnership, association, corporation, trust, firm, estate, joint venture or any other private entity or any public agency.

~~(l)~~ (m) ~~["Tier One User Fee"]~~ "Regional User Fee (Tier One)" means that fee collected through the regional waste disposal system which consists of fixed expenses associated with the administration and planning of programs from which the entire region benefits. This fee is collected at all regional facilities which includes facilities owned and operated by Metro.

~~(h)~~ (n) "St. Johns Landfill" is that landfill owned ~~[by the City of Portland, Oregon,]~~ and operated by Metro and located at 9363 N. Columbia Boulevard, Portland, Oregon 97203, which is restricted to limited purpose solid waste disposal.

~~[(i)]~~ (o) "Solid Waste" means all putrescible and nonputrescible wastes, including ~~[without limitation,]~~ garbage, rubbish, refuse, ~~[ashes,]~~ paper and cardboard; ~~[vehicles or parts thereof, sewage sludge, septic tank and cesspool pumpings or other sludge,]~~ commercial, industrial, demolition and construction waste; home and industrial appliances ~~[, and all other waste material permitted by ordinance to be disposed of at the St. Johns Landfill].~~

~~[(j)]~~ (p) "Source Separated Yard Debris" means twigs, branches, grass clippings, leaves, and tree limbs in a form appropriate for mechanical processing for reuse or sale. Source separated yard debris does not include yard or construction debris that is not appropriate for mechanical processing for reuse or sale or that has unacceptable types or amounts of contaminants mixed with it. The operator or person in charge of accepting this waste shall make the final determination of what is source separated yard debris based on the capability of available machinery to process it. The Director of Solid Waste may establish guidelines for determining what is source separated yard debris within the meaning of this chapter.

~~[(k)]~~ (q) "Special Waste" means ~~any waste (even though it may be part of a delivered load of waste) which is:~~

- ~~1) Solid waste which is any unusual component of municipal solid waste,~~
- ~~2) Solid waste which could potentially contain substantial quantities of waste defined as hazardous waste by the Oregon Department of Environmental Quality or the U.S. Environmental Protection Agency,~~
~~or~~
- ~~3) Solid waste which requires extraordinary management.]~~

- 1) Containerized waste (e.g., a drum, barrel, portable tank, box, pail, etc.) of a type listed in 3 - 8 of this definition below; or
- 2) Waste transported in a bulk tanker; or
- 3) Liquid waste including outdated, off spec liquid food waste in containers. Containers (or drums) which once held commercial products or chemicals are included unless the container is empty. A container is empty when: All wastes have been removed that can be removed using the practices commonly employed to remove materials from the type of container, e.g., pouring, pumping, crushing, or aspirating, and the ends have been removed (for containers in excess of 25 gallons), and no more than one inch thick (2.54 centimeters) of residue remains on the bottom of the container or inner liner, and no more than 1% of free liquid by weight of the total capacity of the container remains in the container. Containers which once held ACUTELY HAZARDOUS WASTES must be triple rinsed with an appropriate solvent or cleaned by an equivalent method. Containers which once held substances regulated under the Federal Insecticide, Fungicide, and Rodenticide Act must be empty according to label instructions or triple rinsed. Plastic containers that held any regulated waste must be cut in half, dry and free of contamination to be accepted as refuse, or liquids or any type when the quantity in the load would fail a paint drip test or is 25 gallons of free liquid per 20 yd. box load, whichever is less; or
- 4) Sludge waste from septic tanks, food service, grease traps, wastewater from commercial laundries, laundromats or car washes; or

- 5) Waste from an industrial process; or
- 6) Waste from a pollution control process; or
- 7) Residue or debris from the cleanup of a spill or release of chemical substances, commercial products or wastes listed in commercial products or wastes listed in 1, 7 or 8 of this definition; or
- 8) Soil, water, residue, debris or articles which are contaminated from the cleanup of a site or facility formerly used for the generation, storage, treatment, recycling, reclamation, or disposal of wastes listed in 1 - 7 of this definition (for example - filters, oil filters, cathode ray tubes, lab equipment, acetylene tanks, CFC tanks or any other chemical containing equipment); or
- 9) Waste and waste containers that are marked with a National Fire Protection Association identification label that has a hazard rating of 2, 3, or 4; or
- 10) Any waste that requires extraordinary management.

Examples of special wastes are: chemicals, liquids, sludge and dust from commercial and industrial operations; municipal waste water treatment plant grits, screenings and sludge; contaminated soils; tannery wastes, empty pesticide containers, and dead animals or by-products [~~and wastes containing asbestos~~].

(r) "Unacceptable Waste" means any and all waste that is either:

- 1) waste which is prohibited from disposal at a sanitary landfill by state or federal law, regulation, rule, code, permit or permit condition; or
- 2) a hazardous waste; or

3) Special Waste without an approved special waste permit, or

4) Infectious Medical Waste.

(Ordinance No. 82-146, Sec. 2; amended by Ordinance No. 86-210, Sec. 1; Ordinance No. 88-257, Sec. 2; Ordinance No. 88-278, Sec. 1; Ordinance No. 89-269, Sec. 2; Ordinance No. 89-295, Sec. 1; and Ordinance No. 90-337, Sec. 2; Ordinance No. 90-372, Sec. 1)

Section 3 - Metro Code Section 5.02.020, Disposal Charges at St. Johns Landfill, is amended as follows:

5.02.020 Disposal Charges at St. Johns Landfill:

(a) A [~~commercial~~]base disposal fee of [~~\$26.00~~]**\$25.50** per ton of **limited purpose** solid waste delivered is established for disposal at the St. Johns Landfill. Said rate shall be in addition to other fees, charges and surcharges established pursuant to this chapter.

~~[(b) Notwithstanding the provisions of 5.02.020(a), the base disposal rate for Self-Haul trips of two and one-half cubic yards or less of garbage shall be \$3.50 per cubic yard if the disposer has separated and included in his/her load at least one-half cubic yard of recyclables (except Source Separated Yard Debris). This rate shall be in addition to other fees and charges established pursuant to this chapter.]~~

~~[(e)]~~**(b)** The following table summarizes the disposal charges to be collected by the Metropolitan Service District from all persons disposing of solid waste at the St. Johns Landfill. The minimum charge for [~~commercial vehicles~~]**disposal** shall be \$15.00.

(Ordinance No. 82-146; amended by Ordinance No. 83-163, Sec. 1; Ordinance No. 85-191, Sec. 2; Ordinance No. 86-214, Sec. 2; Ordinance No. 88-257, Sec. 3; Ordinance No. 88-278, Sec. 2; Ordinance No. 89-295, Sec. 2; and Ordinance No. 90-337, Sec. 3)

ST. JOHNS LANDFILL

<u>[Vehicle Category]</u>	<u>Fee Component</u>	<u>Tonnage Rate \$/Ton</u>
[Commercial]	Credit Account	
	Disposal Fee	[\$26.00] \$25.50
	Regional [Tier One] User Fee (Tier One)	[-7.00] 12.00
	Metro [Tier Two] User Fee (Tier Two)	[14.00] 8.25
	Total Rate	[\$47.00] *\$45.75

<u>[Vehicle Category]</u>	<u>Fee Component</u>	<u>Trip Rate</u>
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Residential Self-Haul

Flat Fee	\$15.00
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<u>Tires</u>	<u>Type of Tire</u>	<u>Per Unit</u>
	Car tires off rim	\$.85
	Car tires on rim	2.30
	Truck tires off rim	2.30
	Truck tires on rim	7.00
	Any tire 21 inches or larger diameter off or on rim	12.00]

* Total Rate does not include state imposed fees which are currently \$.50 DEQ Promotion Program Fee and \$.50 DEQ Orphan Site Program Fee and enhancement fees, excise taxes, or other taxes. established pursuant to Section 5.02.025 (b). The actual fees collected after addition of all taxes and fees shall be rounded up to the closest \$.50.

Section 4 - Metro Code Section 5.02.025, Disposal Charges at Metro South Station, Metro East Station and the Metro/Riedel Compost Facility, is amended as follows:

5.02.025 Disposal Charges at Metro South Station, Metro [East]Central Station and the Metro/Riedel Compost Facility.

(a) A base disposal rate of [~~\$26.00~~]~~\$33.00~~ per ton of solid waste delivered is established for disposal at the Metro South Station, Metro [East]Central Station and the Metro/Riedel Compost Facility.

(b) An enhancement fee of \$.50 per ton is established to be charged at the Metro South Station, Metro [East]Central Station and the Metro/Riedel Compost Facility.

(c) Notwithstanding the provisions of Sections 5.02.025 (a) and (b), persons other than Credit Account Customers who have separated and included in their loads at least one half cubic yard of recyclable material (as defined in ORS 459.005) shall receive a \$3.00 credit toward their disposal charge if their load is transported inside a passenger car or in a pickup truck [~~of up to~~]~~not greater than~~ a 3/4 ton capacity.

(d) The disposal fee and enhancement fee established by this section shall be in addition to other fees, charges and surcharges established pursuant to this chapter.

(e) The following table summarizes the disposal charges to be collected by the Metropolitan Service District from all persons disposing of solid waste at the Metro South Station, Metro [East]Central Station and the Metro/Riedel Compost Facility. The minimum charge for all vehicles shall be \$15.00.

(Ordinance No. 82-146; amended by Ordinance No. 83-163, Sec. 2; Ordinance No. 85-191, Sec. 3; Ordinance No. 86-214, Sec. 3; Ordinance No. 88-257, Sec. 4; Ordinance No. 88-278, Sec. 3;

Ordinance No. 89-269, Sec. 2; Ordinance No. 89-295, Sec. 3.; and Ordinance No. 90-337, Sec. 4; Ordinance No. 90-372, Sec. 2)

METRO SOUTH STATION
 METRO [EAST]CENTRAL STATION
 METRO/RIEDEL COMPOST FACILITY

[Vehicle Category]	Fee Component	Tonnage Rate \$/Ton
	Disposal Fee	[\$26.00] \$33.00
	Regional [Tier One]User Fee (Tier One)	[-7.00] 12.00
	Metro Tier [Two-User]Fee (Tier Two)	[14.00] 8.00
	Regional Transfer Charge	[7.00] 10.00
	Total Rate	[\$54.00] *\$63.00
Minimum Charge per Vehicle		\$15.00

Tires	Type of Tire	Per Unit
	Car tires off rim	\$.85
	Car tires on rim	2.30
	Truck tires off rim	2.30
	Truck tires on rim	7.00
	Any tire 21 inches or larger diameter off or on rim	12.00

* Total Rate does not include state imposed fees which are currently \$.50 DEQ Promotion Program Fee and \$.50 DEQ Orphan Site Program Fee and enhancement fees, excise taxes, or other taxes. established pursuant to Section 5.02.025 (b). The actual fees collected after addition of all taxes and fees shall be rounded up to the closest \$.50.

5.02.030 Waiver of Disposal Charges at St. Johns Landfill: A waiver of disposal charges may be made by the operator of the St. Johns Landfill for disposal of inert material including but not limited to earth, sand, stone, crushed concrete and broken asphaltic concrete and wood chips, if, at the discretion of the

operator of the landfill, such material is needed at the landfill for cover, road base or other internal use.

(Ordinance No. 82-146, Sec. 5)

5.02.035 Litter Control: All vehicles entering Metro operated solid waste disposal facilities, transfer stations, recycling centers, or compost facilities with loads that are not covered with a secure tarp or solid tight fitting cover that prohibits material from being blown from the vehicle while in motion shall be charged double the total disposal charge which would otherwise be charged.

(Ordinance No. 82-146, Sec. 6; amended by Ordinance No. 89-269, Sec. 2; and Ordinance No. 90-337, Sec. 5)

Section 5 - Metro Code Section 5.02.040, is deleted.

~~[5.02.040 Excess Weight Charge at St. Johns Landfill: All vehicles entering the St. Johns Landfill with gross weights in excess of the Incinerator Road Bridge weight limits established by the City of Portland shall be charged double the normal disposal rate per ton for the amount of weight in excess of the bridge weight limit. Said weight limit shall be posted at the scalehouse of the landfill.~~

~~{Ordinance No. 82-146, Sec. 7}~~]

Section 6 - Metro Code Section 5.02.045, User Fees, is amended as follows:

5.02.045 User Fees: The following user fees are established and shall be collected and paid to Metro by the operators of solid waste disposal facilities, whether within or without the

boundaries of Metro, for the disposal of solid waste generated, originating, collected or disposed within Metro boundaries in accordance with Metro Code Section 5.01.150:

- (a) ~~[Tier One]~~ Regional User Fee ~~(Tier One)~~
 - (1) For noncompacted solid waste, ~~[\$7.00]~~ \$12.00 per ton delivered.
 - (2) For compacted solid waste, ~~[\$7.00]~~ \$12.00 per ton delivered.
- (b) ~~[Tier Two]~~ Metro User Fee ~~(Tier Two)~~: ~~[\$14.00]~~ \$8.00 per ton for all solid waste delivered to Metro owned or operated facilities.
- (c) Inert material, including but not limited to earth, sand, stone, ~~[b]~~ crushed stone, crushed concrete, broken asphaltic concrete and wood chips used at a landfill for cover, diking, road base or other internal use and for which disposal charges have been waived pursuant to Section 5.02.030 of this chapter shall be exempt from the above user fees.
- (d) User fees shall not apply to wastes received at franchised processing centers that accomplish materials recovery and recycling as a primary operation.

(Ordinance No. 82-146, Sec. 8; amended Ordinance No. 85-191, Sec. 4; Ordinance No. 86-214, Sec. 4; Ordinance No. 88-257, Sec. 6; Ordinance No. 88-278, Sec. 4; Ordinance No. 89-269, Sec. 2; and Ordinance No. 90-337, Sec. 6; Ordinance No. 90-351, Sec. 1; Ordinance No. 90-372, Sec. 3)

Section 7 - Metro Code Section 5.02.050, Regional Transfer Charge, is amended as follows:

5.02.050 Regional Transfer Charge:

(a) There is hereby established a regional transfer charge which shall be a charge to the users of Metro South Station, Metro [East]Central Station and Metro/Riedel Compost Facility. Such charge shall be collected and paid in the form of an add-on in addition to user fees established by Section 5.02.045 of this chapter.

(b) The following regional transfer charges shall be collected and paid to Metro by the users of Metro South Station, Metro [East]Central Station and the Metro/Riedel Compost Facility for the disposal of solid waste generated, originating, collected or disposed within Metro boundaries: For all solid waste [~~\$7.00~~]\$10.00 per ton delivered.

(c) Regional transfer charges shall not apply to wastes received at franchised processing centers that accomplish materials recovery and recycling as a primary operation.

(Ordinance No. 82-146; amended by Ordinance No. 83-163, Sec. 3; Ordinance No. 85-191, Sec. 5; Ordinance No. 86-212, Sec. 1; Ordinance No. 86-214, Sec. 5; Ordinance No. 88-257, Sec. 8; Ordinance No. 88-278, Sec. 5; Ordinance No. 89-269, Sec. 2; and Ordinance No. 90-337, Sec. 7; Ordinance No. 90-372, Sec. 4)

Section 8 - Metro Code Section 5.02.060, Payment of Disposal Charges and Surcharges; Credit Policy, is amended as follows:

5.02.060 Payment of Disposal Charges and Surcharges; Credit Policy:

(a) Disposal charges and out-of-state surcharges established pursuant to Sections 5.02.020, 5.02.025 and 5.02.055 of this chapter may be paid in cash, credit card, or guaranteed

check at the time of disposal, or may be paid pursuant to the credit policy established in this section.

(b) For purposes of this section, the following definitions shall apply:

(1) Account charges are "due" on or before the last day of the month billed and are "past due" thereafter.

(2) Account charges are "30 days past due" on the first day of the month following billing.

(3) Account charges are "45 days past due" on the fifteenth day of the month following billing.

(4) Account charges are "60 days past due" on the first day of the second month following billing.

(c) Persons wishing to dispose of solid waste at Metro disposal facilities on a credit basis shall be required to first submit and have approved an application for credit on a form provided by Metro. That application shall include such provisions as the Metro Executive Officer deems necessary to secure prompt payment. Approval shall be consistent with prudent credit practices.

(d) A finance charge of one and one-half (1-1/2) percent per month (18 percent per annum), computed from the date an account becomes thirty (30) days past due, will be assessed on all accounts which become sixty (60) days past due and will be added to the oldest months charges past due. Finance charges will continue to be assessed on negotiated repayment schedules.

(e) Accounts 45 days past due may be placed on a "cash only" basis until the account is paid in full or brought to within 30 days past due. If an account is allowed to become 60 days past due, permission to dispose of waste at the facility may be denied until the account and finance charges are paid in full.

(f) If, pursuant to subsection (e) of this section, an account is placed on a "cash only" basis more than once during any consecutive 12-month period, or if service is denied because

the account is allowed to become 60 days past due, the account may be required to submit a new application for credit. Such new application must be accompanied by a satisfactory payment guarantee bond, or other payment guarantee acceptable to the Executive Officer, which is:

- (1) Effective for one year; and
- (2) Collectable if the account again becomes 60 days overdue during the period of the bond; and
- (3) In an amount equal to 150 percent of the amount due when credit was last suspended or service was denied, whichever is greater.

(g) If a credit customer sells, terminates or makes substantial changes in the scope of their business after their application for credit was approved, they must notify Metro of this sale, termination or substantial change immediately. Credit may be discontinued until and unless an application containing the new information is approved.

(h) Adjustment of accounts receivable and reversing of finance charges will follow prudent credit practices; adjustments over \$500 will be reported to the Council in writing on a monthly basis, and adjustments over \$10,000 will require Council approval.

(i) The Executive Officer may end pursuit of accounts receivable, consistent with prudent credit practices, when the likelihood of collecting does not justify further collection costs. Such actions will be reported to the Council in writing on a monthly basis when the amount exceeds \$500, and amounts over \$10,000 will require Council approval.

(Ordinance No. 82-146, Sec. 11; and Ordinance No. 90-350)

Section 9 - Metro Code Section 5.02.065, Special Waste Surcharge and Special Waste Permit Application Fee, is amended as follows:

5.02.065 Special Waste Surcharge and Special Waste Permit Application Fees:

(a) There ~~[are]~~ ~~is~~ hereby established a Special Waste Surcharge and a Special Waste Permit Application Fee which shall be collected on all special wastes disposed at ~~[the St. Johns Landfill]~~ ~~Metro facilities~~ and on all Special Waste Permit Applications. Said Surcharge and fee shall be in addition to any other charge or fee established by this chapter. The purpose of the surcharge and permit application fee is to require disposers of special waste ~~[including asbestos]~~ to pay the cost of those services which are provided ~~[at the St. Johns Landfill and]~~ by the Metro Solid Waste Department to manage special wastes. The said surcharge and fee shall be applied to all ~~acceptable~~ special wastes as defined in Metro Code Section 5.02.015.

(b) The amount of the Special Waste Surcharge collected ~~[at the St. Johns Landfill]~~ shall be \$4.00 per ton of special waste ~~[-excluding asbestos-]~~ delivered. ~~[The amount collected at the St. Johns Landfill for asbestos shall be \$100.00 per ton delivered.]~~

(c) The minimum charge collected through all fees for each special waste ~~[-excluding asbestos-]~~ disposal trip shall be \$15.00. ~~[The minimum charge for each asbestos trip shall be \$100.00.]~~

(d) The amount of the Special Waste Permit Application Fee shall be \$25.00. This fee shall be collected at the time Special Waste Permit Applications are received for processing.

(e) Lab or testing costs which are incurred by Metro for evaluation of a particular waste may be charged to the disposer of that waste.

~~[-f-] The fees listed in this section shall not be collected from any person who obtains a special waste permit to dispose of waste containing asbestos or other special waste which is removed from a dwelling or apartment building of three or~~

~~fewer units owned or rented by that person and not disposed of by a commercial hauler or asbestos remover. The purpose of this exemption is to encourage such persons to separate Special Waste from the residential waste stream so that it is disposed of properly.]~~

(Ordinance No. 85-191, Sec. 6; amended by Ordinance No. 86-214, Sec. 6; Ordinance No. 88-257, Sec. 9; and Ordinance No. 90-337, Sec. 8)

Section 10 - Metro Code Section 5.02.070, Source Separated Yard Debris Disposal Charge, is amended as follows:

5.02.070 Source Separated Yard Debris Disposal Charge:

(a) There is hereby established a reduced disposal fee for Source Separated Yard Debris [~~which~~ ~~that~~] shall be collected on all source separated yard debris disposed at the [~~St. Johns Landfill,~~] Metro South Station or Metro [~~East~~] ~~Central~~ Station. Said disposal charge is in lieu of other Base Disposal charges, User Fees, Regional Transfer Charges, Rehabilitation and Enhancement Fees, and Certification Non-Compliance Fees [~~which~~ ~~that~~] may be required by Sections 5.02.020, 5.02.025, 5.02.041, 5.02.045, 5.02.046, 5.02.050 and 5.02.075 of this chapter. These other fees shall not be collected on waste which is accepted as Source Separated Yard Debris, under the definition of 5.02.015(d). The purpose of the Source Separated Yard Debris Charge is to encourage greater source separation of yard debris so that material is diverted from land disposal at [~~St. Johns Landfill or~~] the Columbia Ridge Landfill and is made available for reuse.

(b) The amount of the Source Separated Yard Debris charge to be collected at the [~~St. Johns Landfill,~~] Metro South Station and Metro [~~East~~] ~~Central~~ Station shall be [~~\$25.00~~] ~~\$49.00~~

per ton for Source Separated Yard Debris delivered by Credit and Cash Account Customers [~~7~~ and ~~\$10.00 per trip for Source Separated Yard Debris delivered by persons other than Credit Account Customers~~].

(c) The minimum charge for Credit and Cash Account Customers delivering Source Separated Yard Debris shall be \$25.00. The minimum charge for the delivery of a single Christmas tree as Source Separated Yard Debris shall be \$.50.

(Ordinance No. 86-210, Sec. 2; amended by Ordinance No. 86-211, Sec. 1; Ordinance No. 86-214, Sec. 7; Ordinance No. 88-257, Sec. 10; Ordinance No. 88-278, Sec. 6; Ordinance No. 89-295, Sec. 4.; and Ordinance No. 90-337, Sec. 9; Ordinance No. 90-372, Sec. 5)

Section 11 - Metro Code Section 5.02.070, Certification Non-Compliance Fee, is [~~amended as follows~~] ~~deleted~~:

~~[5.02.075 Certification Non-Compliance Fee:~~

~~There is hereby established a Certification Non-Compliance Fee. The purpose of this fee is to pay for the cost of implementing remedial programs to bring non-certified areas or jurisdictions in compliance with current certification standards, and to support other programs which are directed at accomplishing the recycling goals of the certification program. This fee shall be collected on all waste generated in non-certified areas and delivered to Metro facilities by specifically identified disposers and shall be in addition to other fees collected. The Certification Non-Compliance Fee shall be set by the Metropolitan Service District Council when the following conditions have been met:~~

~~{(a) The Metro Council has adopted a Waste Reduction Certification Program which provides criteria and a process for designating local areas or jurisdictions and/or waste disposers~~

~~as either certified or non-certified for the purpose of collecting this fee, and~~

~~(b)] The Metro Council has made the determination that a local jurisdiction is not in compliance and that implementation of the fee is needed to achieve the purposes stated above.~~

~~{Ordinance No. 86-214, Sec. 8; Ordinance No. 90-372, Sec. 6}]~~

Section 12 - Metro Code Section 5.02.080, Post-Collection Recycling Incentive, is deleted.

~~[5.02.080 Post-Collection Recycling Incentive: The Executive Officer shall enter into agreements with franchised processing centers that accomplish materials recovery and recycling as a primary operation, to pay two dollars per ton of Mixed Paper disposed in mixed loads of 50 percent to 79 percent Mixed Paper.~~

~~{Ordinance No. 88-257, Sec. 11}]~~

Section 13 - Metro Code Section 5.02.070, Out-of-District Waste, is amended as follows:

5.02.085 Out-of-District Waste:

(a) Solid Waste generated outside of the District shall not be accepted at the St. Johns Landfill, Metro South Station, Metro [East]Central Station or Metro-Riedel Compost Facility for disposal unless a special permit to do so is issued by the Metro Executive Officer. Any permit issued shall specify the circumstances justifying such exception. Any permit issued shall be subject to:

- (1) Available landfill or facility capacity considering the capacity needs for disposal of Solid Waste generated within the District;
- (2) No adverse impact upon District rate payers;
- (3) Any Solid Waste authorized to be disposed under this ordinance shall be subject to the same standards and conditions pertaining to "Acceptable Waste" deliveries to the above named facilities; and
- (4) Any additional conditions as specified by the Executive Officer which may be necessary for the safe, efficient or cost effective operation of Metro facilities.

(b) Any special permit issued under Paragraph 1 shall expire in a period of time not to exceed 12 months from date of issuance unless a longer period of time is authorized by the Metro Council. Any renewals or extensions of a permit resulting in a cumulative permit period exceeding 12 months shall require the approval of the Metro Council.

(c) Any special permit issued by the Executive Officer may be revoked upon thirty (30) days notice to the permit holder.

(d) Any permit for a monthly tonnage in excess of one thousand tons (1,000) per month must be referred to Council prior to the approval.

(Ordinance No. 90-352, Sec. 2)

Section 14 - Effective Date

The effective date of the ordinance amendments contained herein shall be July 1, 1991. This effective date is made in conformity with the requirements of ORS 268.515 (7) requiring user or

service charges not to become effective until 65 working days after passage of the ordinance.

ADOPTED by the Council of the Metropolitan Service District this _____ day of _____, 1991.

Tanya Collier, Presiding Officer

ATTEST:

Clerk of the Council

March 7, 1991
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AMENDED SOLID WASTE DEPARTMENT STAFF REPORT AND INSERT PAGES FOR
ORDINANCE NO. 91-386 (including partial proposed rate figures)
filed with the Clerk of the Council on February 28, 1991, and
considered by Council Solid Waste Committee on March 5, 1991.



METRO

Memorandum

2000 S.W. First Avenue
Portland, OR 97201-5398
503/221-1646

TO: Solid Waste Committee
Interested Persons

FROM: Marilyn Geary-Symons *MG* Committee Clerk

DATE: March 4, 1991

RE: Ordinance No. 91-386 / Amended Staff Report
and Solid Waste Rate Figures

Staff provided the attached amended staff report and numbers for Council first reading of Ordinance No. 91-386, February 28, 1991. The Solid Waste Committee Agenda packet was printed February 26, 1991.

The staff report and numbers will be made part of the ordinance record.

AMENDED STAFF REPORT

CONSIDERATION OF ORDINANCE NO. 91-386, FOR THE PURPOSE OF AMENDING METRO CODE CHAPTER 5.02, ESTABLISHING SOLID WASTE DISPOSAL RATES FOR FY 1991-92.

Date: February 28, 1991

Presented by: Bob Martin
Roosevelt Carter

FACTUAL BACKGROUND AND ANALYSIS

Metro's Solid Waste Disposal rates were last increased on July 1, 1990. Ordinance No. 91-386 will increase the overall Solid Waste Disposal System Rate at the Metro South Station, the Metro Central Station and the Metro/Riedel Compost Facility and will establish a separate rate for disposal of Limited Purpose waste at the St. Johns Landfill.

The System Rate increase reflects the added costs of shipping and disposing at least 90 percent of Metro's general purpose and/or residual waste at the Columbia Ridge Landfill. It also reflects the added capital improvement (principle and interest payments) and operating costs associated with the newly opened Metro Central Station and the Metro/Riedel Compost Facility. Other rate covered expenses include Household Hazardous Waste facility costs at Metro South and Metro Central Stations and an allowance for operations at a new facility in Washington County.

The St. Johns Landfill rate reflects all expenses associated with the Regional User Fee (Tier 1) and other expenses particular to St. Johns Landfill only, including the Closure Reserve contribution.

Based on the above recommendations, rates will be revised as follows:

	<u>Current Rate</u>	<u>Recommended Rate</u>
Metro South Station		
(per ton)	\$54.00	\$63.00
Self-Haul (minimum)	15.00	15.00
Metro Central Station		
(per ton)	54.00	63.00
Self-Haul (minimum)	15.00	15.00
Metro/Riedel Compost Facility		
(per ton)	54.00	63.00
St. Johns Landfill		
(per ton)	\$47.00	\$45.75

In addition to these Metro rates we will also be required to collect \$0.50 per ton for the Orphan Site Account and \$0.50 per ton for DEQ programs pursuant to Oregon State statute adopted by HB 3515 last session. Rehabilitation and Enhancement fees of \$.50 per ton for projects within the immediate areas surrounding landfills and other solid waste facilities will also be added as will the Metro excise tax.

FEE DEFINITIONS

Disposal Fee - pays for the costs of transportation and disposal of landfilled waste. Major cost components are: the Jack Gray Transport Contract and the Oregon Waste System disposal contract.

Regional User Fee (Tier One) - pays for costs associated with administration, financial and engineering services and waste reduction activities of the waste disposal system. Contingency fees on all costs and general transfers to solid waste funds and other departments are included in this fee. This fee is collected on all waste originating or disposed within the region.

Metro User Fee (Tier Two) - pays for fixed costs related to the Metro South, Metro Central, Metro/Riedel Composter and the St. Johns Landfill. This fee is collected at all Metro facilities. Fixed costs of the Oregon Waste Systems disposal contract, the Jack Gray transport contract, debt service for Metro Central and certain capital items (General Account) directly related to the facilities are paid through this fee.

Regional Transfer Charge - pays the operating costs of the Metro transfer stations. These costs are strictly tonnage sensitive, thus expenses and revenues fluxuate together. This fee is collected at Metro facilities only.

Enhancement Fees - are collected and used to pay for rehabilitation and enhancement projects in the areas immediately surrounding landfills and other solid waste facilities.

RC:ay
STAF0228.RPT
February 19, 1991

ST. JOHNS LANDFILL

<u>[Vehicle Category]</u>	<u>Fee Component</u>	<u>Tonnage Rate \$/Ton</u>
<u>[Commercial] Credit Account</u>		
	Disposal Fee	[\$26.00] \$25.50
	Regional [Tier One] User Fee (Tier One)	[-7.00] 12.00
	Metro [Tier Two] User Fee (Tier Two)	[14.00] 8.25
	Total Rate	[\$47.00] *\$45.75

<u>[Vehicle Category]</u>	<u>Fee Component</u>	<u>Trip Rate</u>
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Residential Self-Haul

Flat Fee _____ \$15.00

<u>Tires</u>	<u>Type of Tire</u>	<u>Per Unit</u>
	Car tires off rim	\$.85
	Car tires on rim	2.30
	Truck tires off rim	2.30
	Truck tires on rim	7.00
	Any tire 21 inches or larger diameter off or on rim	12.00]

* Total Rate does not include state imposed fees which are currently ~~[for commercial]~~, \$.50 DEQ Promotion Program Fee and \$.50 DEQ Orphan Site Program Fee and enhancement fees ~~or other taxes~~ established pursuant to Metro Code or State law.

Ordinance No. 89-269, Sec. 2; Ordinance No. 89-295, Sec. 3.; and Ordinance No. 90-337, Sec. 4; Ordinance No. 90-372, Sec. 2)

METRO SOUTH STATION
 METRO [EAST] CENTRAL STATION
 METRO/RIEDEL COMPOST FACILITY

[Vehicle Category]	Fee Component	Tonnage Rate \$/Ton
	Disposal Fee	[\$26.00] \$33.00
	Regional [Tier One] User Fee (Tier One)	[-7.00] 12.00
	Metro Tier [Two] User Fee (Tier Two)	[14.00] 8.00
	Regional Transfer Charge	[7.00] 10.00
	Total Rate	[\$54.00] *\$63.00
Minimum Charge per Vehicle		\$15.00

Tires	Type of Tire	Per Unit
	Car tires off rim	\$.85
	Car tires on rim	2.30
	Truck tires off rim	2.30
	Truck tires on rim	7.00
	Any tire 21 inches or larger diameter off or on rim	12.00

* Total Rate does not include state imposed fees which are currently \$.50 DEQ Promotion Program Fee and \$.50 DEQ Orphan Site Program Fee and enhancement fees, excise taxes, or other taxes. established pursuant to Section 5.02.025 (b). The actual fees collected after addition of all taxes and fees shall be rounded up to the closest \$.50.

STAFF REPORT AND ORDINANCE NO. 91-386 (not including rate figures) filed with the Clerk of the Council on February 20, 1991.

February 19, 1991

NOTE

Detailed numbers are not available at this time due to the interconnectedness of the FY 1991-92 Budget and the proposed rates for FY 1991-92. Proposed rates will be available (in detail) as a supplement at the 1st Reading of Ordinance No. 91-386. The total rate is expected to be within a \$62 - \$65 range.

AMENDED STAFF REPORT

CONSIDERATION OF ORDINANCE NO. 91-386, FOR THE PURPOSE
OF AMENDING METRO CODE CHAPTER 5.02, ESTABLISHING SOLID
WASTE DISPOSAL RATES FOR FY 1991-92.

Date: February 28, 1991

Presented by: Bob Martin
Roosevelt Carter

FACTUAL BACKGROUND AND ANALYSIS

Metro's Solid Waste Disposal rates were last increased on July 1, 1990. Ordinance No. 91-386 will increase the overall Solid Waste Disposal System Rate at the Metro South Station, the Metro Central Station and the Metro/Riedel Compost Facility and will establish a separate rate for disposal of Limited Purpose waste at the St. Johns Landfill.

The System Rate increase reflects the added costs of shipping and disposing at least 90 percent of Metro's general purpose and/or residual waste at the Columbia Ridge Landfill. It also reflects the added capital improvement (principle and interest payments) and operating costs associated with the newly opened Metro Central Station and the Metro/Riedel Compost Facility. Other rate covered expenses include Household Hazardous Waste facility costs at Metro South and Metro Central Stations and an allowance for operations at a new facility in Washington County.

The St. Johns Landfill rate reflects all expenses associated with the Regional User Fee (Tier 1) and other expenses particular to St Johns only, including the Closure Reserve contribution.

Based on the above recommendations, rates will be revised as follows:

	<u>Current Rate</u>	<u>Recommended Rate</u>
Metro South Station		
(per ton)	\$54.00	\$ _____
Self-Haul (minimum)	15.00	_____
Metro Central Station		
(per ton)	54.00	_____
Self-Haul (minimum)	15.00	_____
Metro/Riedel Compost Facility		
(per ton)	54.00	_____
St. Johns Landfill		
(per ton)	\$47.00	\$ _____

In addition to these Metro rates we will also be required to collect \$0.50 per ton for the Orphan Site Account and \$0.50 per ton for DEQ programs pursuant to Oregon State statute adopted by HB 3515 last session. Rehabilitation and Enhancement fees of \$.50 per ton for projects within the immediate areas surrounding landfills and other solid waste facilities will also be added as will the Metro excise tax.

FEE DEFINITIONS

Disposal Fee - pays for the costs of transportation and disposal of landfilled waste. Major cost components are: the Jack Gray Transport Contract and the Oregon Waste System disposal contract.

Regional User Fee (Tier One) - pays for costs associated with administration, financial and engineering services and waste reduction activities of the waste disposal system. Contingency fees on all costs and general transfers to solid waste funds and other departments are included in this fee. This fee is collected on all waste originating or disposed within the region.

Metro User Fee (Tier Two) - pays for fixed costs related to the Metro South, Metro Central, Metro/Riedel Composter and the St. Johns Landfill. This fee is collected at all Metro facilities. Fixed costs of the Oregon Waste Systems disposal contract, the Jack Gray transport contract, debt service for Metro Central and certain capital items (General Account) directly related to the facilities are paid through this fee.

Regional Transfer Charge - pays the operating costs of the Metro transfer stations. These costs are strictly tonnage sensitive, thus expenses and revenues fluxuate together. This fee is collected at Metro facilities only.

Enhancement Fees - are collected and used to pay for rehabilitation and enhancement projects in the areas immediately surrounding landfills and other solid waste facilities.

RC:ay
STAF0228.RPT
February 19, 1991

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF AMENDING) ORDINANCE NO. 91-386
METRO CODE CHAPTER 5.02,)
DISPOSAL CHARGES AND USER FEES) Introduced by Rena Cusma,
AT METRO FACILITIES) Executive Officer

THE COUNCIL OF THE METROPOLITAN SERVICE DISTRICT HEREBY ORDAINS:

Section 1 - Metro Code Section 5.02, is amended as follows:

CHAPTER 5.02

DISPOSAL CHARGES AND USER FEES

SECTIONS

5.02.010 Purpose
5.02.015 Definitions
5.02.020 Disposal Charges at St. Johns Landfill
5.02.025 Disposal Charges at Metro South Station, Metro
Central Station, and Metro/Riedel Compost Facility
5.02.030 Waiver of Disposal Charges at St. Johns Landfill
5.02.035 Litter Control [at St. Johns Landfill and the
Metro South Station]
~~[5.02.040 Excess Weight Charge at St. Johns Landfill]~~
5.02.045 User Fees
5.02.050 Regional Transfer Charge
5.02.060 Payment of Disposal Charges and Surcharges; Credit
Policy
5.02.065 Special Waste Surcharge and Special Waste Permit
Application Fees
5.02.070 Source Separated Yard Debris Disposal Charge
~~[5.02.075 Certification Non-Compliance Fee~~
~~5.02.080 Post-Collection Recycling Incentive]~~
5.02.085 Out-of-District Waste

5.02.010 Purpose: The purpose of this chapter is to establish base solid waste disposal rates and charges for the St. Johns Landfill, Metro South Station, Metro [East] ~~Central~~ Station, and the Metro/ Riedel Compost Facility; solid waste user fees, a regional transfer charge, an out-of-state surcharge and enhancement fees, and to establish a credit policy at Metro disposal facilities.

(Ordinance No. 82-146, Sec. 1; amended by Ordinance No. 88-257, Sec. 1, Ordinance No. 89-269, Sec. 2, Ordinance No. 90-337, Sec. 1)

Section 2 - Metro Code Section 5.02.015, Definitions, is amended as follows:

5.02.015 Definitions: As used in this chapter, unless the context requires otherwise:

(a) "Acceptable Special Wastes" means those special wastes which are approved by the Metro Solid Waste Department in the form of a special waste permit. "Unacceptable Waste," as defined in this section, is expressly excluded.

~~(a)~~(b) "Cash Account Customer" means those persons who pay cash for disposal of solid waste at Metro South Station, Metro ~~[East]~~Central Station, or the Metro/Riedel Compost Facility.

~~(b)~~(c) "Credit Account Customer" means those persons who pay for disposal of solid waste through a charge account at Metro South Station, Metro ~~[East]~~Central Station, or the Metro/Riedel Compost Facility.

(d) "Limited purpose solid waste" means construction, demolition, land clearing waste, and non-hazardous industrial dust.

~~(d)~~(e) "Metro ~~[East]~~Central Station" is that Metro solid waste transfer and recycling station located at 6161 N.W. 61st Avenue, Portland, Oregon, 97201.

~~(e)~~(f) "Metro South Station" is that solid waste transfer station owned and operated by Metro and located at 16101 S. E. 82nd Drive, Oregon City, Oregon, 97045.

~~(m)~~(g) [~~"Tier Two User Fee"~~] "Metro User Fee (Tier Two)" means that fee collected at St. Johns Landfill, Metro South Station, Metro ~~[East]~~Central Station, and Metro/Riedel

Compost Facility which consists of fixed expenses particular to those facilities.

~~[(e)]~~ (h) [~~"Mixed Paper" means uncontaminated, recyclable paper exclusive of newspaper and cardboard.~~] "Metro/Riedel Compost Facility" is that solid waste mass compost facility located at 5437 N.E. Columbia Boulevard, Portland, Oregon, 97232

~~[(g)]~~ (i) "Person" means any individual, partnership, association, corporation, trust, firm, estate, joint venture or any other private entity or any public agency.

~~[(l)]~~ (j) [~~"Tier One User Fee"~~] "Regional User Fee (Tier One)" means that fee collected through the regional waste disposal system which consists of fixed expenses associated with the administration and planning of programs from which the entire region benefits. This fee is collected at all regional facilities which includes facilities owned and operated by Metro.

~~[(h)]~~ (k) "St. Johns Landfill" is that landfill owned [~~by the City of Portland, Oregon,~~] and operated by Metro and located at 9363 N. Columbia Boulevard, Portland, Oregon 97203, which is restricted to limited purpose solid waste disposal.

~~[(i)]~~ (l) "Solid Waste" means all putrescible and nonputrescible wastes, including [~~without limitation,~~] garbage, rubbish, refuse, [~~ashes,~~] paper and cardboard; [~~vehicles or parts thereof, sewage sludge, septic tank and cesspool pumpings or other sludge,~~] commercial, industrial, demolition and construction waste; home and industrial appliances [~~and all other waste material permitted by ordinance to be disposed of at the St. Johns Landfill~~].

~~[(j)]~~ (m) "Source Separated Yard Debris" means twigs, branches, grass clippings, leaves, and tree limbs in a form appropriate for mechanical processing for reuse or sale. Source separated yard debris does not include yard or construction debris that is not appropriate for mechanical processing for reuse or sale or that has unacceptable types or amounts of contaminants mixed with it. The operator or person in charge of

accepting this waste shall make the final determination of what is source separated yard debris based on the capability of available machinery to process it. The Director of Solid Waste may establish guidelines for determining what is source separated yard debris within the meaning of this chapter.

~~[(*)]~~(n) "Special Waste" means any waste (even though it may be part of a delivered load of waste) which is:

- ~~1) Solid waste which is any unusual component of municipal solid waste;~~
- ~~2) Solid waste which could potentially contain substantial quantities of waste defined as hazardous waste by the Oregon Department of Environmental Quality or the U.S. Environmental Protection Agency;~~
~~or~~
- ~~3) Solid waste which requires extraordinary management.]~~

- 1) Containerized waste (e.g., a drum, barrel, portable tank, box, pail, etc.) of a type listed in 3 - 8 of this definition below; or
- 2) Waste transported in a bulk tanker; or
- 3) Liquid waste including outdated, off spec liquid food waste in containers. Containers (or drums) which once held commercial products or chemicals are included unless the container is empty. A container is empty when: All wastes have been removed that can be removed using the practices commonly employed to remove materials from the type of container, e.g., pouring, pumping, crushing, or aspirating, and the ends have been removed (for containers in excess of 25 gallons), and no more than one inch thick (2.54 centimeters) of residue remains on the bottom of the container or inner liner, and no more than 1% of free liquid by weight

of the total capacity of the container remains in the container. Containers which once held ACUTELY HAZARDOUS WASTES must be triple rinsed with an appropriate solvent or cleaned by an equivalent method. Containers which once held substances regulated under the Federal Insecticide, Fungicide, and Rodenticide Act must be empty according to label instructions or triple rinsed. Plastic containers that held any regulated waste must be cut in half, dry and free of contamination to be accepted as refuse, or liquids or any type when the quantity in the load would fail a paint drip test or is 25 gallons of free liquid per 20 yd. box load, whichever is less; or

4) Sludge waste from septic tanks, food service, grease traps, wastewater from commercial laundries, laundromats or car washes; or

5) Waste from an industrial process; or

6) Waste from a pollution control process; or

7) Residue or debris from the cleanup of a spill or release of chemical substances, commercial products or wastes listed in commercial products or wastes listed in 1, 7 or 8 of this definition; or

8) Soil, water, residue, debris or articles which are contaminated from the cleanup of a site or facility formerly used for the generation, storage, treatment, recycling, reclamation, or disposal of wastes listed in 1 - 7 of this definition (for example - filters, oil filters, cathode ray tubes, lab equipment, acetylene tanks, CFC tanks or any other chemical containing equipment); or

9) Waste and waste containers that are marked with a National Fire Protection Association

identification label that has a hazard rating of 2, 3, or 4; or

10) Any waste that requires extraordinary management.

Examples of special wastes are: chemicals, liquids, sludge and dust from commercial and industrial operations; municipal waste water treatment plant grits, screenings and sludge; contaminated soils; tannery wastes, empty pesticide containers, and dead animals or by-products [~~and wastes containing asbestos~~].

(c) "Unacceptable Waste" means any and all waste that is either:

1) waste which is prohibited from disposal at a sanitary landfill by state or federal law, regulation, rule, code, permit or permit condition; or

2) a hazardous waste; or

3) Special Waste without an approved special waste permit, or

4) Infectious Medical Waste.

(Ordinance No. 82-146, Sec. 2; amended by Ordinance No. 86-210, Sec. 1; Ordinance No. 88-257, Sec. 2; Ordinance No. 88-278, Sec. 1; Ordinance No. 89-269, Sec. 2; Ordinance No. 89-295, Sec. 1; and Ordinance No. 90-337, Sec. 2; Ordinance No. 90-372, Sec. 1)

Section 3 - Metro Code Section 5.02.020, Disposal Charges at St. Johns Landfill, is amended as follows:

5.02.020 Disposal Charges at St. Johns Landfill:

(a) A [~~commercial~~]base disposal fee of [~~\$26.00~~]~~\$~~ per ton of limited purpose solid waste delivered is established

for disposal at the St. Johns Landfill. Said rate shall be in addition to other fees, charges and surcharges established pursuant to this chapter.

~~[(b) Notwithstanding the provisions of 5.02.020(a), the base disposal rate for Self-Haul trips of two and one-half cubic yards or less of garbage shall be \$3.50 per cubic yard if the disposer has separated and included in his/her load at least one-half cubic yard of recyclables (except Source Separated Yard Debris). This rate shall be in addition to other fees and charges established pursuant to this chapter.]~~

~~[-(e)]~~ **(b)** The following table summarizes the disposal charges to be collected by the Metropolitan Service District from all persons disposing of solid waste at the St. Johns Landfill. The minimum charge for ~~[commercial vehicles]~~ **disposal** shall be \$15.00.

(Ordinance No. 82-146; amended by Ordinance No. 83-163, Sec. 1; Ordinance No. 85-191, Sec. 2; Ordinance No. 86-214, Sec. 2; Ordinance No. 88-257, Sec. 3; Ordinance No. 88-278, Sec. 2; Ordinance No. 89-295, Sec. 2; and Ordinance No. 90-337, Sec. 3)

ST. JOHNS LANDFILL

[Vehicle Category]	Fee Component	Tonnage Rate \$/Ton
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~~[Commercial]~~ Credit Account

Disposal Fee		[\$26.00]
Regional [Tier One] User Fee (Tier One)		[7.00]
Metro [Tier Two] User Fee (Tier Two)		[14.00]
Total Rate		[\$47.00] *\$

[Vehicle Category]	Fee Component	Trip Rate
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Residential Self-Haul

Flat Fee	\$15.00
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Tires	Type of Tire	Per Unit
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Car tires off rim		\$.85
Car tires on rim		2.30
Truck tires off rim		2.30
Truck tires on rim		7.00
Any tire 21 inches or larger diameter off or on rim		12.00]

* Total Rate does not include state imposed fees which are currently ~~[for commercial]~~, \$.50 DEQ Promotion Program Fee and \$.50 DEQ Orphan Site Program Fee and enhancement fees or other taxes established pursuant to Metro Code or State law.

Section 4 - Metro Code Section 5.02.025, Disposal Charges at Metro South Station, Metro East Station and the Metro/Riedel Compost Facility, is amended as follows:

5.02.025 Disposal Charges at Metro South Station, Metro ~~[East]~~Central Station and the Metro/Riedel Compost Facility.

(a) A base disposal rate of [~~\$26.00~~]\$ [redacted] per ton of solid waste delivered is established for disposal at the Metro South Station, Metro ~~[East]~~Central Station and the Metro/Riedel Compost Facility.

(b) An enhancement fee of \$.50 per ton is established to be charged at the Metro South Station, Metro ~~[East]~~Central Station and the Metro/Riedel Compost Facility.

(c) Notwithstanding the provisions of Sections 5.02.025 (a) and (b), persons other than Credit Account Customers who have separated and included in their loads at least one half cubic yard of recyclable material (as defined in ORS 459.005) shall receive a \$3.00 credit toward their disposal charge if their load is transported inside a passenger car or in a pickup truck [~~of up to~~]not greater than a 3/4 ton capacity.

(d) The disposal fee and enhancement fee established by this section shall be in addition to other fees, charges and surcharges established pursuant to this chapter.

(e) The following table summarizes the disposal charges to be collected by the Metropolitan Service District from all persons disposing of solid waste at the Metro South Station, Metro ~~[East]~~Central Station and the Metro/Riedel Compost Facility. The minimum charge for all vehicles shall be \$15.00.

(Ordinance No. 82-146; amended by Ordinance No. 83-163, Sec. 2; Ordinance No. 85-191, Sec. 3; Ordinance No. 86-214, Sec. 3; Ordinance No. 88-257, Sec. 4; Ordinance No. 88-278, Sec. 3;

Ordinance No. 89-269, Sec. 2; Ordinance No. 89-295, Sec. 3.; and
 Ordinance No. 90-337, Sec. 4; Ordinance No. 90-372, Sec. 2)

METRO SOUTH STATION
 METRO [EAST]CENTRAL STATION
 METRO/RIEDEL COMPOST FACILITY

[Vehicle Category]	Fee Component	Tonnage Rate \$/Ton
	Disposal Fee	[\$26.00] \$
	Regional [Tier One]User Fee (Tier One)	[-7.00]
	Metro Tier [Two-User]Fee (Tier Two)	[14.00]
	Regional Transfer Charge	[7.00]
	Total Rate	[\$54.00] *\$
Minimum Charge per Vehicle		\$15.00

<u>Tires</u>	<u>Type of Tire</u>	<u>Per Unit</u>
	Car tires off rim	\$.85
	Car tires on rim	2.30
	Truck tires off rim	2.30
	Truck tires on rim	7.00
	Any tire 21 inches or larger diameter off or on rim	12.00

* Total Rate does not include state imposed fees which are currently \$.50 DEQ Promotion Program Fee and \$.50 DEQ Orphan Site Program Fee and enhancement fees, excise taxes, or other taxes. established pursuant to Section 5.02.025-(b). The actual fees collected after addition of all taxes and fees shall be rounded up to the closest \$.50.

5.02.030 Waiver of Disposal Charges at St. Johns Landfill: A waiver of disposal charges may be made by the operator of the St. Johns Landfill for disposal of inert material including but not limited to earth, sand, stone, crushed concrete and broken asphaltic concrete and wood chips, if, at the discretion of the operator of the landfill, such material is needed at the landfill for cover, road base or other internal use.

(Ordinance No. 82-146, Sec. 5)

5.02.035 Litter Control: All vehicles entering Metro operated solid waste disposal facilities, transfer stations, recycling centers, or compost facilities with loads that are not covered with a secure tarp or solid tight fitting cover that prohibits material from being blown from the vehicle while in motion shall be charged double the total disposal charge which would otherwise be charged.

(Ordinance No. 82-146, Sec. 6; amended by Ordinance No. 89-269, Sec. 2; and Ordinance No. 90-337, Sec. 5)

Section 5 - Metro Code Section 5.02.040, is deleted.

~~[5.02.040 Excess Weight Charge at St. Johns Landfill: All vehicles entering the St. Johns Landfill with gross weights in excess of the Incinerator Road Bridge weight limits established by the City of Portland shall be charged double the normal disposal rate per ton for the amount of weight in excess of the bridge weight limit. Said weight limit shall be posted at the scalehouse of the landfill.~~

~~(Ordinance No. 82-146, Sec. 7)]~~

Section 6 - Metro Code Section 5.02.045, User Fees, is amended as follows:

5.02.045 User Fees: The following user fees are established and shall be collected and paid to Metro by the operators of solid waste disposal facilities, whether within or without the boundaries of Metro, for the disposal of solid waste generated, originating, collected or disposed within Metro boundaries in accordance with Metro Code Section 5.01.150:

(a) ~~[Tier One]~~ Regional User Fee ~~(Tier One)~~

(1) For noncompacted solid waste, [~~\$7.00~~] \$ per ton delivered.

(2) For compacted solid waste, [~~\$7.00~~] \$ per ton delivered.

(b) ~~[Tier Two]~~ Metro User Fee ~~(Tier Two)~~: [~~\$14.00~~] \$ per ton for all solid waste delivered to Metro owned or operated facilities.

(c) Inert material, including but not limited to earth, sand, stone, ~~[b]~~ crushed stone, crushed concrete, broken asphaltic concrete and wood chips used at a landfill for cover, diking, road base or other internal use and for which disposal charges have been waived pursuant to Section 5.02.030 of this chapter shall be exempt from the above user fees.

(d) User fees shall not apply to wastes received at franchised processing centers that accomplish materials recovery and recycling as a primary operation.

(Ordinance No. 82-146, Sec. 8; amended Ordinance No. 85-191, Sec. 4; Ordinance No. 86-214, Sec. 4; Ordinance No. 88-257, Sec. 6; Ordinance No. 88-278, Sec. 4; Ordinance No. 89-269, Sec. 2; and Ordinance No. 90-337, Sec. 6; Ordinance No. 90-351, Sec. 1; Ordinance No. 90-372, Sec. 3)

Section 7 - Metro Code Section 5.02.050, Regional Transfer Charge, is amended as follows:

5.02.050 Regional Transfer Charge:

(a) There is hereby established a regional transfer charge which shall be a charge to the users of Metro South Station, Metro [East]Central Station and Metro/Riedel Compost Facility. Such charge shall be collected and paid in the form of an add-on in addition to user fees established by Section 5.02.045 of this chapter.

(b) The following regional transfer charges shall be collected and paid to Metro by the users of Metro South Station, Metro [East]Central Station and the Metro/Riedel Compost Facility for the disposal of solid waste generated, originating, collected or disposed within Metro boundaries: For all solid waste [~~\$7.00~~]~~\$~~ per ton delivered.

(c) Regional transfer charges shall not apply to wastes received at franchised processing centers that accomplish materials recovery and recycling as a primary operation.

(Ordinance No. 82-146; amended by Ordinance No. 83-163, Sec. 3; Ordinance No. 85-191, Sec. 5; Ordinance No. 86-212, Sec. 1; Ordinance No. 86-214, Sec. 5; Ordinance No. 88-257, Sec. 8; Ordinance No. 88-278, Sec. 5; Ordinance No. 89-269, Sec. 2; and Ordinance No. 90-337, Sec. 7; Ordinance No. 90-372, Sec. 4)

Section 8 - Metro Code Section 5.02.060, Payment of Disposal Charges and Surcharges; Credit Policy, is amended as follows:

5.02.060 Payment of Disposal Charges and Surcharges; Credit Policy:

(a) Disposal charges and out-of-state surcharges established pursuant to Sections 5.02.020, 5.02.025 and 5.02.055 of this chapter may be paid in cash, credit card, or guaranteed check at the time of disposal, or may be paid pursuant to the credit policy established in this section.

(b) For purposes of this section, the following definitions shall apply:

(1) Account charges are "due" on or before the last day of the month billed and are "past due" thereafter.

(2) Account charges are "30 days past due" on the first day of the month following billing.

(3) Account charges are "45 days past due" on the fifteenth day of the month following billing.

(4) Account charges are "60 days past due" on the first day of the second month following billing.

(c) Persons wishing to dispose of solid waste at Metro disposal facilities on a credit basis shall be required to first submit and have approved an application for credit on a form provided by Metro. That application shall include such provisions as the Metro Executive Officer deems necessary to secure prompt payment. Approval shall be consistent with prudent credit practices.

(d) A finance charge of one and one-half (1-1/2) percent per month (18 percent per annum), computed from the date an account becomes thirty (30) days past due, will be assessed on all accounts which become sixty (60) days past due and will be

added to the oldest months charges past due. Finance charges will continue to be assessed on negotiated repayment schedules.

(e) Accounts 45 days past due may be placed on a "cash only" basis until the account is paid in full or brought to within 30 days past due. If an account is allowed to become 60 days past due, permission to dispose of waste at the facility may be denied until the account and finance charges are paid in full.

(f) If, pursuant to subsection (e) of this section, an account is placed on a "cash only" basis more than once during any consecutive 12-month period, or if service is denied because the account is allowed to become 60 days past due, the account may be required to submit a new application for credit. Such new application must be accompanied by a satisfactory payment guarantee bond, or other payment guarantee acceptable to the Executive Officer, which is:

- (1) Effective for one year; and
- (2) Collectable if the account again becomes 60 days overdue during the period of the bond; and
- (3) In an amount equal to 150 percent of the amount due when credit was last suspended or service was denied, whichever is greater.

(g) If a credit customer sells, terminates or makes substantial changes in the scope of their business after their application for credit was approved, they must notify Metro of this sale, termination or substantial change immediately. Credit may be discontinued until and unless an application containing the new information is approved.

(h) Adjustment of accounts receivable and reversing of finance charges will follow prudent credit practices; adjustments over \$500 will be reported to the Council in writing on a monthly basis, and adjustments over \$10,000 will require Council approval.

(i) The Executive Officer may end pursuit of accounts receivable, consistent with prudent credit practices, when the

likelihood of collecting does not justify further collection costs. Such actions will be reported to the Council in writing on a monthly basis when the amount exceeds \$500, and amounts over \$10,000 will require Council approval.

(Ordinance No. 82-146, Sec. 11; and Ordinance No. 90-350)

Section 9 - Metro Code Section 5.02.065, Special Waste Surcharge and Special Waste Permit Application Fee, is amended as follows:

5.02.065 Special Waste Surcharge and Special Waste Permit Application Fees:

(a) There ~~[are]~~ **is** hereby established a Special Waste Surcharge and a Special Waste Permit Application Fee which shall be collected on all special wastes disposed at ~~[the St. Johns Landfill]~~ **Metro facilities** and on all Special Waste Permit Applications. Said Surcharge and fee shall be in addition to any other charge or fee established by this chapter. The purpose of the surcharge and permit application fee is to require disposers of special waste ~~[, including asbestos,]~~ to pay the cost of those services which are provided ~~[at the St. Johns Landfill and]~~ by the Metro Solid Waste Department to manage special wastes. The said surcharge and fee shall be applied to all **acceptable** special wastes as defined in Metro Code Section 5.02.015.

(b) The amount of the Special Waste Surcharge collected ~~[at the St. Johns Landfill]~~ shall be \$4.00 per ton of special waste ~~[-excluding asbestos-]~~ delivered. ~~[The amount collected at the St. Johns Landfill for asbestos shall be \$100.00 per ton delivered.]~~

(c) The minimum charge collected through all fees for each special waste ~~[-excluding asbestos-]~~ disposal trip shall be \$15.00. ~~[The minimum charge for each asbestos trip shall be \$100.00.]~~

(d) The amount of the Special Waste Permit Application Fee shall be \$25.00. This fee shall be collected at the time Special Waste Permit Applications are received for processing.

(e) Lab or testing costs which are incurred by Metro for evaluation of a particular waste may be charged to the disposer of that waste.

~~[(f) The fees listed in this section shall not be collected from any person who obtains a special waste permit to dispose of waste containing asbestos or other special waste which is removed from a dwelling or apartment building of three or fewer units owned or rented by that person and not disposed of by a commercial hauler or asbestos remover. The purpose of this exemption is to encourage such persons to separate Special Waste from the residential waste stream so that it is disposed of properly.]~~

(Ordinance No. 85-191, Sec. 6; amended by Ordinance No. 86-214, Sec. 6; Ordinance No. 88-257, Sec. 9; and Ordinance No. 90-337, Sec. 8)

Section 10 - Metro Code Section 5.02.070, Source Separated Yard Debris Disposal Charge, is amended as follows:

5.02.070 Source Separated Yard Debris Disposal Charge:

(a) There is hereby established a reduced disposal fee for Source Separated Yard Debris [which] ~~that~~ shall be collected on all source separated yard debris disposed at the [~~St. Johns Landfill,~~] Metro South Station or Metro [~~East~~] ~~Central~~ Station. Said disposal charge is in lieu of other Base Disposal charges, User Fees, Regional Transfer Charges, Rehabilitation and Enhancement Fees, and Certification Non-Compliance Fees [which] ~~that~~ may be required by Sections 5.02.020, 5.02.025, 5.02.041, 5.02.045, 5.02.046, 5.02.050 and 5.02.075 of this

chapter. These other fees shall not be collected on waste which is accepted as Source Separated Yard Debris, under the definition of 5.02.015(d). The purpose of the Source Separated Yard Debris Charge is to encourage greater source separation of yard debris so that material is diverted from land disposal at [~~St. Johns Landfill or~~]the Columbia Ridge Landfill and is made available for reuse.

(b) The amount of the Source Separated Yard Debris charge to be collected at the [~~St. Johns Landfill,~~]Metro South Station and Metro [~~East~~]Central Station shall be [~~\$25.00~~]~~\$~~ per ton for Source Separated Yard Debris delivered by Credit and Cash Account Customers [~~and \$10.00 per trip for Source Separated Yard Debris delivered by persons other than Credit Account Customers~~].

(c) The minimum charge for Credit and Cash Account Customers delivering Source Separated Yard Debris shall be \$25.00. The minimum charge for the delivery of a single Christmas tree as Source Separated Yard Debris shall be \$.50.

(Ordinance No. 86-210, Sec. 2; amended by Ordinance No. 86-211, Sec. 1; Ordinance No. 86-214, Sec. 7; Ordinance No. 88-257, Sec. 10; Ordinance No. 88-278, Sec. 6; Ordinance No. 89-295, Sec. 4.; and Ordinance No. 90-337, Sec. 9; Ordinance No. 90-372, Sec. 5)

Section 11 - Metro Code Section 5.02.070, Certification Non-Compliance Fee, is amended as follows:

5.02.075 Certification Non-Compliance Fee:

There is hereby established a Certification Non-Compliance Fee. The purpose of this fee is to pay for the cost of implementing remedial programs to bring non-certified areas or jurisdictions in compliance with current certification standards, and to support other programs which are directed at accomplishing the

recycling goals of the certification program. This fee shall be collected on all waste generated in non-certified areas and delivered to Metro facilities by specifically identified disposers and shall be in addition to other fees collected. The Certification Non-Compliance Fee shall be set by the Metropolitan Service District Council when the following conditions have been met:

~~[(a) The Metro Council has adopted a Waste Reduction Certification Program which provides criteria and a process for designating local areas or jurisdictions and/or waste disposers as either certified or non-certified for the purpose of collecting this fee; and~~

~~(b)] The Metro Council has made the determination that a local jurisdiction is not in compliance and that implementation of the fee is needed to achieve the purposes stated above.~~

(Ordinance No. 86-214, Sec. 8; Ordinance No. 90-372, Sec. 6)

Section 12 - Metro Code Section 5.02.080, Post-Collection Recycling Incentive, is deleted.

~~[5.02.080 Post-Collection Recycling Incentive: The Executive Officer shall enter into agreements with franchised processing centers that accomplish materials recovery and recycling as a primary operation, to pay two dollars per ton of Mixed Paper disposed in mixed loads of 50 percent to 79 percent Mixed Paper.~~

~~(Ordinance No. 88-257, Sec. 11)]~~

Section 13 - Metro Code Section 5.02.070, Out-of-District Waste, is amended as follows:

5.02.085 Out-of-District Waste:

(a) Solid Waste generated outside of the District shall not be accepted at the St. Johns Landfill, Metro South Station, Metro [East]Central Station or Metro-Riedel Compost Facility for disposal unless a special permit to do so is issued by the Metro Executive Officer. Any permit issued shall specify the circumstances justifying such exception. Any permit issued shall be subject to:

- (1) Available landfill or facility capacity considering the capacity needs for disposal of Solid Waste generated within the District;
- (2) No adverse impact upon District rate payers;
- (3) Any Solid Waste authorized to be disposed under this ordinance shall be subject to the same standards and conditions pertaining to "Acceptable Waste" deliveries to the above named facilities; and
- (4) Any additional conditions as specified by the Executive Officer which may be necessary for the safe, efficient or cost effective operation of Metro facilities.

(b) Any special permit issued under Paragraph 1 shall expire in a period of time not to exceed 12 months from date of issuance unless a longer period of time is authorized by the Metro Council. Any renewals or extensions of a permit resulting in a cumulative permit period exceeding 12 months shall require the approval of the Metro Council.

(c) Any special permit issued by the Executive Officer may be revoked upon thirty (30) days notice to the permit holder.

(d) Any permit for a monthly tonnage in excess of one thousand tons (1,000) per month must be referred to Council prior to the approval.

(Ordinance No. 90-352, Sec. 2)

Section 14 - Effective Date

The effective date of the ordinance amendments contained herein shall be July 1, 1991. This effective date is made in conformity with the requirements of ORS 268.515 (7) requiring user or service charges not to become effective until 65 working days after passage of the ordinance.

ADOPTED by the Council of the Metropolitan Service District this _____ day of _____, 1991.

Tanya Collier, Presiding Officer

ATTEST:

Clerk of the Council

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METRO

Memorandum

2000 S.W. First Avenue
Portland, OR 97201-5398
503/221-1646

TO: Council Finance Committee

FROM: Karla Forsythe, ^{KLF} Council Analyst

DATE: March 21, 1991

RE: Amendment to Ordinance No. 386B (requested by
Solid Waste Department)

The Solid Waste Department requests that the Finance Committee amend Ordinance No. 386B by deleting from the B draft Section 5.02.015(s), and by substituting new language (attached, with changes from B draft highlighted in yellow).

This section adopts a new definition of special waste. The Department is prepared to explain the reasons supporting the amendment.

The section appears on page 5.02 - 5 through 5.02 - 7 of the proposed ordinance.

1) Containerized waste (e.g., a drum, barrel, portable tank, box, pail, etc.) of a type listed in 3 - [8] 9 and 11 of this definition below; or

2) Waste transported in a bulk tanker; or

3) Liquid waste including outdated, off spec liquid food waste [in containers] or liquids of any type when the quantity and the load would fail the paint filter liquid (Method 9095, SW-846) test or is 25 gallons of free liquid per load, whichever is more restrictive.

4) Containers (or drums) which once held commercial products or chemicals are included unless the container is empty. A container is empty when:

a) All wastes have been removed that can be removed using the practices commonly employed to remove materials from the type of container, e.g., pouring, pumping, crushing, or aspirating; and

b) The ends have been removed (for containers in excess of 25 gallons); and

c) No more than one inch thick (2.54 centimeters) of residue remains on the bottom of the container or inner liner; or

d) No more than 1% [of free liquid] by weight of the total capacity of the container remains in the container (for containers up to 110 gallons); or

e) No more than 0.3% by weight of the total capacity of the container remains in the container (for containers larger than 110 gallons).

Containers which once held acutely hazardous wastes must be triple rinsed with an appropriate solvent or cleaned by an equivalent method. Containers which once held substances regulated under the Federal Insecticide, Fungicide, and Rodenticide Act must be empty according to

label instructions or triple rinsed with an appropriate solvent or cleaned by an equivalent method. Plastic containers larger than 5 gallons that held any regulated waste must be cut in half or punctured, dry and free of contamination to be accepted as refuse; or ~~liquids of any type when the quantity in the load would fail a paint drip test or is 25 gallons of free liquid per 20 yd. box load, whichever is less;~~

5) Sludge waste from septic tanks, food service, grease traps, wastewater from commercial laundries, laundromats or car washes; or

6) Waste from an industrial process; or

7) Waste from a pollution control process; or

8) Residue or debris from the cleanup of a spill or release of chemical substances, commercial products or wastes listed in 1 - 7 or ~~8~~ 9 of this definition; or

9) Soil, water, residue, debris or articles which are contaminated from the cleanup of a site or facility formerly used for the generation, storage, treatment, recycling, reclamation, or disposal of wastes listed in 1 - ~~7~~ 8 of this definition; or

10) Chemical containing equipment removed from service (for example - filters, oil filters, cathode ray tubes, lab equipment, acetylene tanks, CFC tanks or any other chemical containing equipment); or

11) Waste in waste containers that are marked with a National Fire Protection Association identification label that has a hazard rating of 2, 3, or 4 but not empty containers so marked; or

1) Containerized waste (e.g., a drum, barrel, portable tank, box, pail, etc.) of a type listed in 3 - [8] 9 and 11 of this definition below; or

2) Waste transported in a bulk tanker; or

3) Liquid waste including outdated, off spec liquid food waste [in containers] or liquids of any type when the quantity and the load would fail the paint filter liquid (Method 9095, SW-846) test or is 25 gallons of free liquid per load, whichever is more restrictive.

4) Containers (or drums) which once held commercial products or chemicals are included unless the container is empty. A container is empty when:

a) All wastes have been removed that can be removed using the practices commonly employed to remove materials from the type of container, e.g., pouring, pumping, crushing, or aspirating; and

b) The ends have been removed (for containers in excess of 25 gallons); and

c) No more than one inch thick (2.54 centimeters) of residue remains on the bottom of the container or inner liner; or

d) No more than 1% [of free liquid] by weight of the total capacity of the container remains in the container (for containers up to 110 gallons); or

e) No more than 0.3% by weight of the total capacity of the container remains in the container (for containers larger than 110 gallons).

Containers which once held acutely hazardous wastes must be triple rinsed with an appropriate solvent or cleaned by an equivalent method. Containers which once held substances regulated under the Federal Insecticide, Fungicide, and Rodenticide Act must be empty according to

12) Any waste that requires extraordinary management.

i:\jewels\replace



METRO

Memorandum

2000 S.W. First Avenue
Portland, OR 97201-5398
503 221-1646

DATE: March 29, 1991
TO: Rena Cusma, Executive Officer
FROM: Paulette Allen, Clerk of the Council *PA*
RE: TRANSMITTAL OF ORDINANCE NOS. 91-386C, 91-389 AND 91-392

Attached for your consideration are true copies of Ordinance Nos. 91-386c, 91-389 and 91-392 adopted by the Council on March 28, 1991.

If you wish to veto these ordinances, I must receive a signed and dated written veto message from you no later than 5:00 p.m., Thursday, April 4, 1991. The veto message, if submitted, will become part of the permanent record. If no veto message is received by the time and date stated above, these ordinances will be considered finally adopted.

I, *Urrth J. Sprley*, received this memo and true copies of Ordinance Nos. 91-386C, 91-389 and 91-392 from the Clerk of the Council on March 29, 1991.

Date: *3/29/91*

ORD. MEM